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THE

PRESBYTERIAN DIGEST:

A COMPEND OF THE ACTS AND DELIVERANCES

OF THE

GENERAL ASSEMBLY

OF THE

PRESBYTERIAN CHURCH

IN THE UNITED STATES OF AMERICA.

COMPILED

By the Order and Authority of the General Assembly.

BY

WILLIAM E. MOORE, D.D.

1873.

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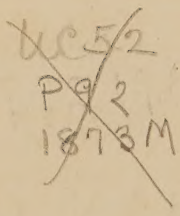

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INTRODUCTION.

THE want of a Digest of the acts of the Supreme Judicatory of the Presbyterian Church was early felt. In 1818 the following overture was adopted by the Assembly, viz.:

"*Resolved*, That Drs. Janeway, Neill and Ely be appointed a Committee, and they are hereby appointed, to extract from the records of the General Assembly, and of the late Synods of New York and Philadelphia, all such matters as may appear to be of permanent authority and interest (including a short account of the manner in which missions have been conducted, and their success), that the same may be published for the information of ministers and their people in our churches; and that they report the same to the next Assembly."—1818, p. 673.

The Committee reported to the next Assembly, and were authorized to complete the work on the plan reported, and to publish it at the expense of the trustees of the Assembly.—1819, p. 713.

The Digest thus authorized was published in 1820.—1820, p. 727.

In 1836, upon an overture on the subject of a new Digest, the Assembly—

"1. *Resolved*, That in the judgment of this Assembly it is expedient that a new Digest of the acts and proceedings of the highest judicatory of our Church be prepared and placed within the reach of all our ministers and elders.

"2. *Resolved*, That Dr. John McDowell, Mr. Winchester and Mr. Duffield be a Committee to prepare such a Digest, and report the same to the Assembly as soon as practicable, provided the expense of its publication be not defrayed out of the funds of the Assembly."—1836, p. 262.

Nothing, however, resulted from this appointment. Further action looking to the preparation of a Digest was taken by the respective Assemblies N. S., 1838, p. 661; 1849, p. 189; O. S., 1841, p. 447; 1848, p. 45. See more fully New Digest, Introduction, pp. 7–10, and Baird., Rev. Ed., Preface, pp. 5–8. In 1850 the Board of Publication issued a Digest prepared by the Rev. Richard Webster. In 1856 the Board issued the Digest prepared by the Rev. Samuel J. Baird. In reference to this work the Assembly—

Resolved, That the thanks of this General Assembly are due to the Rev. Samuel J. Baird for the labor incurred by him in the preparation of the "Assembly's Digest," recently published by the Board of Publication.

Resolved, That the Digest is earnestly commended to the attention and

patronage of all in our connection, and that any persons having suggestions to make in reference to any proposed improvement in the work are invited to make them to the author thereof before the issue of a new edition.—1856, p. 535, O. S.

A new and revised edition was issued by the Board in 1859. In 1854 the Assembly, N. S., took order, appointing a Committee, Rev. George Duffield, Jr., Henry Darling and Wm. E. Moore, with the stated clerk, Rev. E. F. Hatfield, D. D., to prepare and publish a new Digest, "if it can be done without expense to the Assembly." The Digest thus directed was prepared by Rev. Wm. E. Moore, and after delay, for want of funds, issued by the Presbyterian Publication Committee in 1861. It was accepted with commendation by the Assembly.—1861, p. 463.

The necessity of a more complete work which should combine the precedents of the Church in all its branches, and bring them down to the latest date, was felt at once upon the reunion. The Board of Publication accordingly took action looking to this end. The Assembly of 1871 adopted the plan, as follows:

"The Committee also call the attention of the Assembly to the action of the Board in reference to a new Digest of the Acts and Ordinances of the Presbyterian Church; and it is recommended that the plan proposed on page 29 of the report be approved, and that the Moderator appoint the Committee, as recommended."

The proposed plan (on page 29) is as follows:

The attention of the Board having been called to the importance of the preparation of a new Digest of the Acts and Ordinances of the Supreme Judicatories of the Presbyterian Church, brought up to the present time and suited to the circumstances of the united body, the following action was taken, upon which the judgment of the General Assembly is desired:

Resolved, That it is expedient that a new Digest of the Acts and Deliverances of the Supreme Judicatories of the Presbyterian Church, from the year 1706 to the present time, be prepared and published by the Board.

That this Digest contain under each chapter and section of the Form of Government, Book of Discipline and Directory, every decision which defines or explains it.

Also, a complete Digest of all the rules of the several Boards of the Church as at present existing.

That it omit whatever has become obsolete in the usage of the Church—*e. g.*, in its benevolent operations—and all that pertains simply to matters of history.

That it be requested that a Special Committee be appointed by the General Assembly to examine and approve the book before it be issued.

And it was recommended that the Rev. William E. Moore be requested to undertake the preparation of such a Digest.—1871, p. 529.

The following persons were appointed the Committee on the Digest, viz.:

Edwin F. Hatfield, D. D., Alexander T. McGill, D. D., LL. D., and Robert M. Patterson, *Ministers*, Hon. George Sharswood, LL. D., and Hon. William Strong, LL. D., *Elders.—ib.*, p. 586.

The Committee on the new Digest reported its completion by the compiler and its approval by the Committee; also, that it would speedily be published.—1873, p. 480.

The plan pursued has been to print entire "The Book," under its three heads of "*Form of Government*," "*Book of Discipline*" and "*Directory for Worship*." Under each chapter and section of these is given every deliverance or decision of the Assembly which serves to define or explain it. As the same or kindred subjects are found under different heads in "The Book," a system of cross references directs the inquirer to the decision sought, or the subject illustrated. The greatest labor has been expended here in classifying the acts of the Assembly under their appropriate heads. Repetitions have been freely made, where it would facilitate the use of the Digest in actual practice. The decisions of each of the Supreme Judicatories of the Church, from the beginning in 1706, have been given. Of those from 1838 to 1869 inclusive, the Assemblies of 1869, in their *concurrent declarations*, affirm:

"The official records of the two Branches of the Church for the period of separation should be preserved and held as making up the one history of the Church; and no rule or precedent which does not stand approved by both the bodies should be of any authority until re-established in the united body, except in so far as such rule or precedent may affect the rights of property founded thereon."

It will be seen, however, on comparing the decisions or deliverances of the two bodies during the separation, that in a very few cases indeed are they opposed or contrary to each other. In almost every case in which the two Assemblies have spoken upon the same subject they have uttered substantially the same thing.

Even if not of "any authority" as binding law, most of these decisions will be found of the highest value, as expressing the deliberate judgment of the venerable bodies uttering them, upon points of constant recurrence. It is not likely that the united Assembly would now reverse any large proportion of the decisions of either body upon issues that are yet living.

Under the discretion given, the compiler has omitted many of the earlier decisions, which are now found embodied in the Constitution. He has also omitted, with few exceptions, documents which are chiefly historical, and deliverances which pertain to the crises through which the Church has passed in the years long gone by.

His duty, as he understood it, was to compile, not a history, but a Digest for the guidance of the judicatories of the Church. He has felt the more free to omit the history of the schisms of the past, because they are so fully recorded in the Digests heretofore prepared, and accessible to the investigator of history. He has not felt free to comment upon the de-

cisions of the Assembly or to decide as to their force; they have been left to speak for themselves. In every case the very words of the Assembly have been used, unless indicated by brackets. The discretion given has been used in a few cases in eliminating language offensive to either of the parties into which the Church was divided, but never so as to affect the meaning of the decision.

The references in the Digest from 1706 to 1835 inclusive are to the three volumes published by the Board of Publication, viz.: "*Records of the Presbyterian Church from* 1706 *to* 1788," "*Minutes of the General Assembly from* 1788 *to* 1820," and "*Minutes of the General Assembly from* 1821 *to* 1835." From 1838 to 1869 inclusive, the references are to the annual minutes of the two Assemblies, designated respectively as O. S. and N. S.; from 1870 to 1873 inclusive, to the annual minutes of the Assembly.

With great diffidence the compiler submits his work to the judgment of the Church. It has been a labor of love indeed, but yet a labor of no common toil and perplexity. To decide under what head to place a given deliverance cost often anxious thought. Nor can he flatter himself that his judgment will always meet the approval of those who pass upon his work. Believing, however, that every decision and deliverance of the Supreme Judicatories upon subjects of living interest will be found in the Digest and under the general head to which each belongs, he submits it with the hope that its method will tend to make the officers of our Church courts familiar with our incomparable Book, and with the prayer that its matter will be found to have made that Book so plain as to lessen, if not totally remove, all litigation.

WILLIAM E. MOORE.

COLUMBUS, Ohio, 1873.

SYLLABUS.

I.—FORM OF GOVERNMENT.

II.—BOOK OF DISCIPLINE.

III.—DIRECTORY FOR WORSHIP.

SYLLABUS.

BOOK I.

FORM OF GOVERNMENT.

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DIGEST

OF THE

ACTS AND DELIVERANCES

OF THE

PRESBYTERIAN CHURCH IN THE UNITED STATES OF AMERICA.

BOOK I.

OF GOVERNMENT.

CHAPTER I.

*PRELIMINARY PRINCIPLES.**

THE Presbyterian Church in the United States of America, in presenting to the Christian public the system of union and the form of government and discipline which they have adopted, have thought proper to state, by way of introduction, a few of the general principles by which they have been governed in the formation of the plan. This, it is hoped, will, in some measure, prevent those rash misconstructions and uncandid reflections which usually proceed from an imperfect view of any subject, as well as make the several parts of the system plain and the whole perspicuous and fully understood.

They are unanimously of opinion:

I. That "God alone is Lord of the conscience; and hath left it free from the doctrines and commandments of men, which are in any thing contrary to his word, or beside it in matters of faith or worship:" therefore they consider the right of private judgment, in all matters that respect religion, as universal and unalienable; they do not even wish to see any religious constitution aided by the civil power, further than

*This introductory chapter, with the exception of the first sentence, was first drawn up by the Synod of New York and Philadelphia, and prefixed to the Form of Government, etc., as published by that body in 1788. In that year, after arranging the plan on which the Presbyterian Church is now governed, the synod was divided into four Synods, and gave place to the General Assembly, which met for the first time in 1789.

may be necessary for protection and security, and, at the same time, be equal and common to all others.

II. That, in perfect consistency with the above principle of common right, every Christian church, or union, or association of particular churches, is entitled to declare the terms of admission into its *communion*, and the qualifications of its ministers and members, as well as the whole system of its internal government which Christ hath appointed; that in the exercise of this right, they may, notwithstanding, err in making the terms of communion either too lax or too narrow; yet even in this case they do not infringe upon the liberty or the rights of others, but only make an improper use of their own.

III. That our blessed Saviour, for the edification of the visible Church, which is his body, hath appointed officers, not only to preach the Gospel *and administer the sacraments*, but also to exercise discipline for the preservation both of truth and duty; and that it is incumbent upon these *officers* and upon the whole Church in whose names they act, to censure or cast out the erroneous and scandalous; observing in all cases the rules contained in the word of God.

IV. That truth is in order to goodness, and the great touchstone of truth, its tendency to promote holiness; according to our Saviour's rule, "by their fruits ye shall know them." And that no opinion can be either more pernicious or absurd than that which brings truth and falsehood upon a level, and represents it as of no consequence what a man's opinions are. On the contrary, they are persuaded that there is an inseparable connection between faith and practice, truth and duty. Otherwise it would be of no consequence either to discover truth or to embrace it.

V. That while, under the conviction of the above principle, they think it necessary to make effectual provisions that all who are admitted as teachers be sound in the faith, they also believe that there are truths and forms with respect to which men of good characters and principles may differ. And, in all these, they think it the duty, both of private Christians and societies, to exercise mutual forbearance toward each other.

VI. That though the character, qualifications and authority, of church-officers are laid down in the Holy Scriptures, as well as the proper method of their investiture and institution, yet the election of the persons to the exercise of this authority, in any particular society, is in that society.

VII. That all church-power, whether exercised by the body in general, or in the way of representation by delegated authority, is only ministerial and declarative: *That is to say*, that the Holy Scriptures are the only rule of faith and manners; that no church judicatory ought to pretend to make laws to bind the conscience in virtue of their own authority, and that all their decisions should be founded upon the revealed will of God. Now, though it will easily be admitted that all synods and councils may err, through the frailty inseparable from humanity, yet there is much greater danger from the usurped claim of making laws than from the right of judging upon laws already made and common to all who profess the Gospel, although this right, as necessity requires in the present state, be lodged with fallible men.

VIII. *Lastly*, That if the preceding scriptural and rational principles be steadfastly adhered to, the vigor and strictness of its discipline will contribute to the glory and happiness of any Church. Since ecclesiastical discipline must be purely moral or spiritual in its object, and not attended with any civil effects, it can derive no force whatever, but from its own justice, the approbation of an impartial public, and the countenance and blessing of the Great Head of the Church universal.

ADOPTION OF THE WESTMINSTER STANDARDS.

1. The Overture laid over for a year.

"There being an overture presented to the Synod in writing, having reference to the subscribing to the Confession of Faith, etc., the Synod, judging this to be a very important affair, unanimously concluded to defer the consideration of it till the next Synod, withal recommending it to the members of each Presbytery present to give timeous notice thereof to the absent members."—1728, p. 91.

2. The Confession of Faith, Larger and Shorter Catechisms of the Westminster Assembly adopted.

"The committee brought in an overture upon the affair of the Confession, which, after long debating upon it, was agreed upon *in hæc verba:*

"Although the Synod do not claim or pretend to any authority of imposing our faith upon other men's consciences, but do profess our just dissatisfaction with and abhorrence of such impositions, and do utterly disclaim all legislative power and authority in the Church, being willing to receive one another as Christ has received us to the glory of God, and admit to fellowship in sacred ordinances all such as we have grounds to believe Christ will at last admit to the kingdom of heaven, yet we are undoubtedly obliged to take care that the faith once delivered to the saints be kept pure and uncorrupt among us, and so handed down to our posterity. And do therefore agree that all the ministers of this Synod, or that shall hereafter be admitted into this Synod, shall declare their agreement in and approbation of the Confession of Faith, with the Larger and Shorter Catechisms of the Assembly of Divines at Westminster, as being, in all the essential and necessary articles, good forms of sound words and systems of Christian doctrine, and do also adopt the said Confession and Catechisms as the confession of our faith. And we do also agree, that all the Presbyteries within our bounds shall always take care not to admit any candidate of the ministry into the exercise of the sacred function, but what declares his agreement in opinion with all the essential and necessary articles of said Confession, either by subscribing the said Confession of Faith and Catechisms, or by a verbal declaration of their assent thereto, as such minister or candidate shall think best. And in case any minister of this Synod, or any candidate for the ministry, shall have any scruple with respect to any article or articles of said Confession or Catechisms, he shall at the time of his making said declaration declare his sentiments to the Presbytery or Synod, who shall, notwithstanding, admit him to the exercise of the ministry within our bounds, and to ministerial communion, if the Synod or Presbytery shall judge his scruple or mistake to be only about articles not essential and necessary in doctrine, worship or government. But if the Synod or Presbytery shall judge such ministers or candidates erroneous in essential and necessary articles of faith, the Synod or Presbytery shall declare them uncapable of communion with them. And the Synod do solemnly agree that none of us will traduce or use any opprobrious term of those that differ from us in these extra-essential and not necessary points of doctrine, but treat them with the same friendship, kindness and brotherly love, as if they had not differed from us in such sentiments."—1729, p. 94.

On the afternoon of the same day,

Ordered, That the minutes of our last *sederunt* be read.

All the ministers of this Synod now present, except one * that declared himself not prepared, viz: Masters Jedidiah Andrews, Thomas Craighead, John Thomson, James Anderson, John Pierson, Samuel Gelston, Joseph Houston, Gilbert Tennent, Adam Boyd, Jonathan Dickinson, John Bradner, Alexander Hutchinson, Thomas Evans, Hugh Stevenson, William Tennent, Hugh Conn, George Gillespie and John Wilson, after proposing all the scruples that any of them had to make against any articles and expressions in the Confession of Faith and Larger and Shorter Catechisms of the Assembly of Divines at Westminster, have unanimously agreed in the solution of those scruples, and in declaring the said Confession and Catechisms to be the confession of their faith, excepting only some clauses in the twentieth and twenty-third chapters, concerning which clauses the Synod do unanimously declare that they do not receive those articles in any such sense as to suppose the civil magistrate hath a controlling power over Synods with respect to the exercise of their ministerial authority, or power to persecute any for their religion, or in any sense contrary to the Protestant succession to the throne of Great Britain.

The Synod, observing that unanimity, peace and unity which appeared in all their consultations and determinations relating to the affair of the Confession, did unanimously agree in giving thanks to God in solemn prayer and praises.—1729, p. 95.

3. The "Directory" recommended.

A motion being made to know the Synod's judgment about the Directory, they gave their sense of that matter in the following words, viz: The Synod do unanimously acknowledge and declare, that they judge the Directory for worship, discipline and government of the church, commonly annexed to the Westminster Confession, to be agreeable in substance to the word of God, and founded thereupon, and therefore do earnestly recommend the same to all their members, to be by them observed as near as circumstances will allow and Christian prudence direct.—1729, p. 95.

4. Intrants and Candidates to adopt the Confession in the same manner and as fully as those then present.

a. Whereas some persons have been dissatisfied at the manner of wording our last year's agreement about the Confession, etc.; supposing some expressions not sufficiently obligatory upon intrants; *Overtured*, that the Synod do now declare that they understand these clauses that respect the admission of intrants or candidates in such a sense as to oblige them to receive and adopt the Confession and Catechisms at their admission in the same manner and as fully as the members of the Synod did that were then present. Which overture was unanimously agreed to by the Synod. —1730, p. 98.

b. Ordered, That the Synod make a particular inquiry during the time of their meeting every year, whether such ministers as have been received as members since the foregoing meeting of the Synod have adopted, or have been required by the Synod, or by the respective Presbyteries, to adopt the Westminster Confession and Catechisms with the Directory, according to the acts of the Synod made some years since for that purpose, and that also the report made to the Synod in answer to said inquiry be recorded in our minutes.—1734, p. 109.

* Daniel Elmer, who gave in his adherence the next year.—1730, p. 97.

5. To be inscribed in the book of each Presbytery.

Ordered, That each Presbytery have the whole Adopting Act inserted in their Presbytery book.—1735, p. 115.

6. An Act explaining the Adopting Act.

An overture of the committee upon the supplication of the people of Paxton and Derry was brought in and is as followeth: That the Synod do declare, that inasmuch as we understand that many persons of our persuasion, both more lately and formerly, have been offended with some expressions or distinctions in the first or preliminary act of our Synod, contained in the printed paper, relating to our receiving or adopting the Westminster Confession and Catechisms, etc.; That in order to remove said offence, and all jealousies that have arisen or may arise in any of our people's minds on occasion of said distinctions and expressions, the Synod doth declare that the Synod have adopted and still do adhere to the Westminster Confession, Catechisms and Directory, without the least variation or alteration, and without any regard to said distinctions. And we do further declare that this was our meaning and true intent in our first adopting of said Confession, as may particularly appear by our adopting act which is as followeth: All the ministers of the Synod now present (which were eighteen in number, except one that declared himself not prepared), after proposing all the scruples any of them had to make against any articles and expressions in the Confession of Faith and Larger and Shorter Catechisms of the Assembly of Divines at Westminster, have unanimously agreed in the solution of these scruples, and in declaring the said Confession and Catechisms to be the confession of their faith, except only some clauses in the twentieth and twenty-third chapters, concerning which clauses the Synod do unanimously declare, that they do not receive these articles in any such sense as to suppose the civil magistrate hath a controlling power over Synods with respect to the exercise of their ministerial authority, or power to persecute any for their religion, or in any sense contrary to the Protestant succession to the throne of Great Britain.

And we hope and desire that this our Synodical declaration and explication may satisfy all our people, as to our firm attachment to our good old received doctrines contained in said confession, without the least variation or alteration, and that they will lay aside their jealousies that have been entertained through occasion of the above hinted expressions and declarations as groundless. This overture approved *nemine contradicente.*—1736, p. 126.

7. Upon the reunion of the Synods of New York and Philadelphia, May 29, 1758, the following Plan of Union was adopted, viz.

The Synods of New York and Philadelphia, taking into serious consideration the present divided state of the Presbyterian Church in this land, and being deeply sensible that the division of the Church tends to weaken its interests, to dishonor religion, and consequently its glorious Author; to render government and discipline ineffectual, and finally to dissolve its very frame; and being desirous to pursue such measures as may most tend to the glory of God and the establishment and edification of his people, do judge it to be our indispensable duty to study the things that make for peace, and to endeavor the healing of that breach which has for some time subsisted amongst us, that so its hurtful consequences may not extend to posterity; that all occasion of reproach upon our society may be removed, and that we may carry on the great designs of

religion to better advantage than we can do in a divided state; and since both Synods continue to profess the same principles of faith, and adhere to the same form of worship, government and discipline, there is the greater reason to endeavor the compromising those differences which were agitated many years ago with too great warmth and animosity, and unite in one body.

For which end, and that no jealousies or grounds of alienation may remain, and also to prevent future breaches of like nature, we agree to unite and do unite in one body, under the name of the Synod of New York and Philadelphia, on the following plan:

I. Both Synods having always approved and received the Westminster Confession of Faith and Larger and Shorter Catechisms as an orthodox and excellent system of Christian doctrine founded on the word of God, we do still receive the same as the confession of our faith, and also adhere to the plan of worship, government and discipline contained in the Westminster Directory, strictly enjoining it on all our members and probationers for the ministry, that they preach and teach according to the form of sound words in said Confession and Catechisms, and avoid and oppose all errors contrary thereto.

II. That when any matter is determined by a major vote, every member shall either actively concur with or passively submit to such determination; or if his conscience permit him to do neither, he shall, after sufficient liberty modestly to reason and remonstrate, peaceably withdraw from our communion without attempting to make any schism. Provided always that this shall be understood to extend only to such determinations as the body shall judge indispensable in doctrine or Presbyterian government.

III. That any member or members, for the exoneration of his or their conscience before God, have a right to protest against any act or procedure of our highest judicature, because there is no further appeal to another for redress; and to require that such protestation be recorded in their minutes. And as such a protest is a solemn appeal from the bar of said judicature, no member is liable to prosecution on the account of his protesting. Provided always that it shall be deemed irregular and unlawful to enter a protestation against any member or members, or to protest facts or accusations instead of proving them, unless a fair trial be refused, even by the highest judicature. And it is agreed, that protestations are only to be entered against the public acts, judgments or determinations of the judicature with which the protester's conscience is offended.

IV. As the protestation entered in the Synod of Philadelphia, *Ann. Dom.* 1741, has been apprehended to have been approved and received by an act of said Synod, and on that account was judged a sufficient obstacle to an union; the said Synod declare that they never judicially adopted the said protestation, nor do account it a Synodical act, but that it is to be considered as the act of those only who subscribed it; and therefore cannot in its nature be a valid objection to the union of the two Synods, especially considering that a very great majority of both Synods have become members since the said protestation was entered.

V. That it shall be esteemed and treated as a censurable evil, to accuse any member of heterodoxy, insufficiency or immorality in a calumniating manner, or otherwise than by private brotherly admonition, or by a regular process according to our known rules of judicial trial in cases of scandal. And it shall be considered in the same view if any Presbytery appoint supplies within the bounds of another Presbytery without their concurrence; or if any member officiate in another's congregation without

asking and obtaining his consent, or the sessions in case the minister be absent; yet it shall be esteemed unbrotherly for any one, in ordinary circumstances, to refuse his consent to a regular member when it is requested.

VI. That no Presbytery shall license or ordain to the work of the ministry, any candidate, until he give them competent satisfaction as to his learning, and experimental acquaintance with religion, and skill in divinity and cases of conscience; and declare his acceptance of the Westminster Confession and Catechisms as the confession of his faith, and promise subjection to the Presbyterian plan of government in the Westminster Directory.

VII. The Synods declare it is their earnest desire that a complete union may be obtained as soon as possible, and agree that the united Synod shall model the several Presbyteries in such manner as shall appear to them most expedient. Provided, nevertheless, that Presbyteries, where an alteration does not appear to be for edification, continue in their present form. As to divided congregations it is agreed that such as have settled ministers on both sides be allowed to continue as they are; that where those of one side have a settled minister, the other being vacant, may join with the settled minister, if a majority choose so to do; that when both sides are vacant they shall be at liberty to unite together.

VIII. As the late religious appearances occasioned much speculation and debate, the members of the New York Synod, in order to prevent any misapprehensions, declare their adherence to their former sentiments in favor of them, that a blessed work of God's Holy Spirit in the conversion of numbers was then carried on; and for the satisfaction of all concerned, this united Synod agree in declaring that as all mankind are naturally dead in trespasses and sins, an entire change of heart and life is necessary to make them meet for the service and enjoyment of God; that such a change can be only effected by the powerful operations of the Divine Spirit; that when sinners are made sensible of their lost condition and absolute inability to recover themselves, are enlightened in the knowledge of Christ and convinced of his ability and willingness to save, and upon gospel encouragements do choose him for their Saviour, and renouncing their own righteousness in point of merit, depend upon his imputed righteousness for their justification before God, and on his wisdom and strength for guidance and support; when upon these apprehensions and exercises their souls are comforted, notwithstanding all their past guilt, and rejoice in God through Jesus Christ; when they hate and bewail their sins of heart and life, delight in the laws of God without exception, reverentially and diligently attend his ordinances, become humble and self denied, and make it the business of their lives to please and glorify God and to do good to their fellow-men,—this is to be acknowledged as a gracious work of God, even though it should be attended with unusual bodily commotions or some more exceptionable circumstances, by means of infirmity, temptations or remaining corruptions; and wherever religious appearances are attended with the good effects above mentioned, we desire to rejoice in and thank God for them.

But on the other hand, when persons seeming to be under a religious concern, imagine that they have visions of the human nature of Jesus Christ, or hear voices, or see external lights, or have fainting and convulsion-like fits, and on the account of these judge themselves to be truly converted; though they have not the scriptural characters of a work of God above described, we believe such persons are under a dangerous delusion; and we testify our utter disapprobation of such a delusion, wherever it attends any religious appearances, in any Church or time.

Now as both Synods are agreed in their sentiments concerning the nature of a work of grace, and declare their desire and purpose to promote it, different judgments respecting particular matters of fact ought not to prevent their union; especially as many of the present members have entered into the ministry since the time of the aforesaid religious appearances.

Upon the whole, as the design of our union is the advancement of the Mediator's kingdom, and as the wise and faithful discharge of the ministerial function is the principal appointed mean for that glorious end, we judge that this is a proper occasion to manifest our sincere intention unitedly to exert ourselves to fulfill the ministry we have received of the Lord Jesus. Accordingly, we unanimously declare our serious and fixed resolution, by divine aid, to take heed to ourselves that our hearts be upright, our discourse edifying, and our lives exemplary for purity and godliness; to take heed to our doctrine, that it be not only orthodox, but evangelical and spiritual, tending to awaken the secure to a suitable concern for their salvation, and to instruct and encourage sincere Christians, thus commending ourselves to every man's conscience in the sight of God; to cultivate peace and harmony among ourselves, and strengthen each other's hands in promoting the knowledge of divine truth, and diffusing the savor of piety among our people.

Finally, we earnestly recommend it to all under our care, that instead of indulging a contentious disposition, they would love each other with a pure heart fervently, as brethren who profess subjection to the same Lord, adhere to the same faith, worship and government, and entertain the same hope of glory. And we desire that they would improve the present union for their mutual edification, combine to strengthen the common interests of religion, and go hand in hand in the path of life; which we pray the God of all grace would please to effect, for Christ's sake. Amen.

The Synod agree, that all former differences and disputes are laid aside and buried; and that no future inquiry or vote shall be proposed in this Synod concerning these things; but if any member seek a Synodical inquiry or declaration about any of the matters of our past differences, it shall be deemed a censurable breach of this agreement, and be refused, and he be rebuked accordingly.—1758, p. 285, 288.

[In answer to the Dutch Church the Synod reply.]

a. Mode of Adopting the Confession.

The Synod of New York and Philadelphia adopt, according to the known and established meaning of the terms, the Westminster Confession of Faith as the confession of their faith, save that every candidate for the gospel ministry is permitted to except against so much of the twenty-third chapter as gives authority to the civil magistrates in matters of religion. The Presbyterian Church in America considers the Church of Christ as a spiritual society, entirely distinct from the civil government, having a right to regulate their own ecclesiastical policy, independently of the interposition of the magistrate.—1786, p. 519.

b. The Directory for Worship and Form of Government.

The Synod also receives the Directory for public worship and the form of church government recommended by the Westminster Assembly as in substance agreeable to the institutions of the New Testament. This mode of adoption we use, because we believe the general platform of our government to be agreeable to the sacred Scriptures; but we do not believe

that God has been pleased so to reveal and enjoin every minute circumstance of ecclesiastic government and discipline as not to leave room for orthodox churches of Christ, in these minutiæ, to differ with charity from one another.—1786, p. 519.

c. Authority of Pardovan's Collections.

The rules of our discipline and the form of process in our church judicatures are contained in Pardovan's (alias Stewart's) Collections, in conjunction with the acts of our own Synod, the power of which, in matters purely ecclesiastical, we consider as equal to the power of any Synod or General Assembly in the world. Our church judicatures, like those in the Church of Scotland, from which we derive our origin, are Church Sessions, Presbyteries and Synods, to which it is now in contemplation to add a National and General Assembly.—1786, p. 519.

d. It was moved and carried, That the Form of Process in Stewart of Pardovan's Collections, be read and considered as a basis of deliberation along with the draught.—1787, p. 535.

8. The Constitution Amended and Adopted, 1788.

[In 1786 the "Book of Discipline and Government" was referred to a committee "to digest such a system as they shall think to be accommodated to the state of the Presbyterian Church in America." The committee consisted of Drs. Witherspoon, McWhorter, Rodgers, Sproat, Duffield, Alison and Ewing, Mr. Mathew Wilson and Dr. Smith, with Isaac Snowden, Esq., Mr. Robert Taggart and John Pinkerton, Elders.

In 1787, the Synod, preparatory to forming the General Assembly, ordered a thorough revision of the standards, altering the articles excepted to on the Adopting Act, and making such amendments as were found to be necessary.—1787, p. 539.]

a. Form of Government, Discipline, and Confession of Faith.

The Synod having fully considered the draught of the form of government and discipline, did, on a review of the whole, and hereby do ratify and adopt the same, as now altered and amended, as the Constitution of the Presbyterian Church in America, and order the same to be considered and strictly observed as the rule of their proceedings, by all the inferior judicatories belonging to the body. And they order that a correct copy be printed, and that the Westminster Confession of Faith, as now altered, be printed in full along with it, as making a part of the Constitution.

Resolved, That the true intent and meaning of the above ratification by the Synod, is, that the Form of Government and Discipline and the Confession of Faith, as now ratified, is to continue to be our Constitution and the Confession of our faith and practice unalterable, unless two-thirds of the Presbyteries under the care of the General Assembly shall propose alterations or amendments, and such alterations or amendments shall be agreed to and enacted by the General Assembly.—1788, p. 546.

[See below under xii.; vi. Amendments of constitutional rules may be made by a majority of the Presbyteries. Alterations of the Doctrinal Standards still require two-thirds as above.]

b. Directory for Worship and Catechisms, Larger and Shorter.

The Synod having now revised and corrected the draught of a Directory for worship, did approve and ratify the same, and do hereby appoint the said Directory, as now amended, to be the Directory for the worship of God in the Presbyterian Church in the United States of America. They

also took into consideration the Westminster Larger and Shorter Catechisms, and having made a small amendment of the larger, did approve, and do hereby approve and ratify the said Catechisms, as now agreed on, as the Catechisms of the Presbyterian Church in the said United States. And the Synod order, that the said Directory and Catechisms be printed and bound up in the same volume with the Confession of Faith and the Form of Government and Discipline, and that the whole be considered as the standard of our doctrine, government, discipline, and worship, agreeably to the resolutions of the Synod at their present sessions.

Ordered, That Dr. Duffield, Mr. Armstrong and Mr. Green, be a committee to superintend the printing and publishing the above said Confession of Faith and Catechisms, with the Form of Government and Discipline, and the Directory for the Worship of God, as now adopted and ratified by the Synod, as the Constitution of the Presbyterian Church in the United States of America, and that they divide the several parts into chapters and sections properly numbered.—1788, p. 547.

9. Proof Texts added by order of the Assembly.

a. The committee appointed to consider the expediency of a new impression of the Confession of Faith, Form of Government and Discipline of this Church, reported . . . . that another impression appeared expedient, in which, if the Scripture proofs were inserted at length, it would become more acceptable, and might be of greater utility to the churches; and proposed that a committee be appointed properly to select and arrange the Scripture texts to be adduced in support of the articles in the Confession of Faith, Form of Government and Discipline, and prepare the same to be laid before the next General Assembly.

Resolved, That Dr. Robert Smith, and Messrs. Mitchell and Grier, be a committee to carry the above into execution.—1792, p. 58.

b. "A letter was received and read from Mr. Mitchell, one of the members of a committee appointed by the Assembly of 1792, to revise and prepare for publication an edition of the Confession of Faith, Catechisms, and Form of Government and Discipline of this Church, informing this Assembly that considerable progress had been made in the business, but that it was still incomplete. Whereupon the business was recommitted, and the Moderator (the Rev. James Latta), added to the committee in the place of the Rev. Dr. Robert Smith, deceased, and they were directed to report to the Assembly in 1794."—1793, p. 66.

c. "The committee appointed to prepare the Scripture proofs in support of the doctrines of the Confession of Faith, the Catechisms, etc., of the Presbyterian Church, submitted their report, which was read, examined, and approved as a specimen of the work. Whereupon Dr. Green, Messrs. John B. Smith, James Boyd, William M. Tennent, Nathaniel Irwin and Andrew Hunter, were appointed a committee to compare the proofs prepared by said committee, and now reported to the General Assembly, with the proofs annexed to the Westminster Confession of Faith, Catechisms, and Directory; to revise the whole, prepare it for the press, to agree with the printer for its publication, and to superintend the printing and vending of the same."—1794, p. 88.

10. Authority of the Notes.—The Text alone contains the Constitution.

The committee to which was referred an inquiry, proposed to the Assembly by the Presbytery of Philadelphia, relative to the notes found

in the book containing the Constitution, reported. Their report was adopted, viz.:

"That the book referred to was first published with nothing but the simple text, without any Scripture proofs, or any notes of any description whatsoever. This is evident not only from the minutes of the General Assembly, but from the numerous copies of this first edition of the standards of our Church which are now in existence. It is also equally evident, from examining the records of the General Assembly, that not a single note in the book has been added to or made a part of the Constitution of the Church, since it was first formed and published, in the manner above recited. Several alterations and additions have been made by referring them, when contemplated, to the Presbyteries for their decision thereon, in the manner pointed out in the Constitution itself. But among all the points thus referred, there is not found a single note which now appears in the book containing the Constitution of our Church. Hence it follows, beyond a doubt, that these notes are no part of that Constitution. If, then, it be inquired how these notes obtained the place which they now occupy, and what is the character, as to authority, which they possess, the answer is this: When a second edition of the standards of our Church was needed, it was thought by the General Assembly, that it would be of great use in itself, highly agreeable to the members of our Church generally, as well as conformable to the example of the Church of Scotland, from which we derive our origin, if the Scripture proofs were added in support of the several parts and clauses of the Confession of Faith, Catechisms, and Form of Government. A committee was accordingly appointed by the Assembly to select the Scripture proofs, and to prepare them for being printed in the second edition of the book. The work of this committee was, the following year, referred to another, and ultimately the committee charged with preparing the Scripture proofs reported, along with these proofs, the notes which now appear in the book, and which were approved by the General Assembly, and directed to be printed with the proofs, in the form in which they now appear. These notes, then, are explanations of some of the principles of the Presbyterian Church, given by the General Assembly, and which, of course, the General Assembly may modify or altogether exclude, at their pleasure, whereas the articles of the Constitution must govern the Assembly themselves, and cannot be altered or abrogated, but in the manner pointed out in the Constitution itself.

"On the whole, in the book containing the standards of our Church, the text alone contains the Constitution of our Church; the notes are an exposition of principles given by the highest judicature of that Church, of the same force, while they continue, with the other acts of that judicature, but subject to alterations, amendments, or a total erasure, as they shall judge proper.

"*Resolved*, That as it belongs to the General Assembly to give direction in regard to the notes which accompany the Constitution, of which they are the supreme judicatory, this Assembly express it as their opinion, that in printing future editions of the Constitution of this Church, the parenthesis on the note, on this part of the Form of Government, which defines a Synod, and which is expressed in these words, 'since a Synod is only a larger Presbytery,' be omitted, as well as the note connected with the Scripture proofs in answer to the question in the Larger Catechism, 'What is forbidden in the eighth commandment?' in which the nature of the crime of man-stealing and slavery is dilated upon. In regard to this last omission, the Assembly think proper to declare, that in

directing it, they are influenced by far other motives than any desire to favor slavery, or to retard the extinction of that mournful evil as speedily as may consist with the happiness of all concerned."—1816, p. 629.

[NOTE.—These notes are not found in the Constitution as revised in 1820.]

"*Resolved*, That as the notes which have been expunged from our public formularies, and which some of the memorials referred to the committee request to have restored, were introduced irregularly, and never had the sanction of the Church, and therefore never possessed any real authority, the General Assembly has no power to assign them a place in the authorized standards of the Church, and does not deem it proper to take the constitutional measures for effecting their restoration."—1836, p. 248.

11. Use and Obligation of the Standards.

1. That, in the opinion of this Assembly, Confessions of Faith, containing formulas of doctrine, and rules for conducting the discipline and worship proper to be maintained in the house of God, are not only recognized as necessary and expedient, but as the character of human nature is continually aiming at innovation, absolutely requisite to the settled peace of the Church, and to the happy and orderly existence of Christian communion. Within the limits of Christendom, few are to be found in the attitude of avowed hostility to Christianity. The name of Christian is claimed by all, and all are ready to profess their belief in the Holy Scriptures, too many reserving to themselves the right of putting upon them what construction they please. In such a state of things, without the aid of Confessions, Christian fellowship can exist only in a very limited degree, and the disorder of the Corinthian Church, condemned by the Apostle, would be realized: "*I am of Paul and I of Apollos.*"

2. That, though the Confession of Faith and standards of our Church are of no original authority, independent of the Scriptures, yet we regard them as a summary of those divine truths which are diffused throughout the sacred volume.

They, as a system of doctrines, therefore, cannot be abandoned, in our opinion, without an abandonment of the word of God. They form a bond of fellowship in the faith of the Gospel, and the General Assembly cannot but believe the precious immortals under their care to be more safe in receiving the truth of God's holy word, as exhibited in the standards of our Church, than in being subject to the guidance of any instructor, whoever he may be, who may have confidence enough to set up his own opinions in opposition to the system of doctrines which men of sound learning, full of the Holy Ghost, and mighty in the Scriptures, have devised from the oracles of the living God. It should never be forgotten, that the Church is solemnly cautioned against the danger of being carried about by every wind of doctrine.

3. This Confession of Faith, adopted by our Church, contains a system of doctrines professedly believed by the people and the pastors under the care of the General Assembly, nor can it be traduced by any in the communion of our Church, without subjecting the erring parties to that salutary discipline which hath for its object the maintenance of the peace and purity of the Church, under the government of her great Master.—1824, p. 114.

12. Adoption of the Standards in every case required.

The committee appointed on an overture respecting the consistency of admitting into this Church ministers who manifest a decided hostility to

ecclesiastical creeds, confessions, and formularies, make the following report, which was adopted, viz.:

1. That the Constitution, as is well known, expressly requires of all candidates for admission, a solemn declaration that they sincerely receive and adopt the Confession of Faith of this Church, as containing the system of doctrine taught in the Holy Scriptures.

2. That the last Assembly, in a report of their committee, to be seen on the minutes, have so explicitly and fully declared the sentiments of this Church in regard to her ecclesiastical standards, and all within her communion who may traduce them, that no further expression of our views on this subject is deemed necessary.—1825, p. 155.

13. The Catechisms an Integral Part of the Standards of the Church.

a. The committee to whom was referred Overture No. 5, viz.: "On subscribing the Confession of Faith," made the following report, which was unanimously adopted, viz.:

That, in their judgment, any further legislation on the subject by the Assembly would be unnecessary and inexpedient. They consider the formula contained in our book, and the rule adopted by the Assembly in 1830—viz.: "That, in their judgment, every licentiate coming by certificate to any Presbytery, in connection with the General Assembly, from any portion of a corresponding ecclesiastical body, should be required to answer in the affirmative, the constitutional questions directed by chapter fourteenth of our Form of Government, to be put to our candidates before they are licensed; and that in like manner every ordained minister of the Gospel, coming from any church in correspondence with the General Assembly by certificate of dismission and recommendation, should be required to answer affirmatively the first seven questions directed by chapter fifteenth of our Form of Government, to be put to one of our own licentiates when about to be ordained to the sacred office" (p. 287, 1830)—sufficiently explicit; and would earnestly recommend these to the attention of the Presbyteries under the care of the Assembly.

b. As to the question submitted to them, "Whether the Catechisms, Larger and Shorter, are to be considered as a part of the *Standards* of our Church, and are comprehended in the words, Confession of Faith of this Church?" the committee feel no hesitation in answering that question in the affirmative. It does not appear that any doubts on that subject have ever been entertained until very recently. The committee find in the minutes of the old Synod, at the union of the Synod of Philadelphia with the Synod of New York, in 1758, that the first article of the Plan of Union contains the following words (Digest, p. 118), viz.: "Both Synods, having always approved and received the Westminster Confession of Faith and Larger and Shorter Catechisms as an orthodox and excellent system of Christian doctrine founded on the word of God, we do still receive the same as the Confession of our Faith; and also the plan of worship, government, and discipline, contained in the Westminster Directory, strictly enjoining it on all our members and probationers for the ministry that they preach and teach according to the form of sound words in said Confession and Catechisms, and avoid and oppose all error contrary thereto." In the recital of the manner in which a Presbytery was received by the Synod of New York, 1763, we have the following record, which is contained in the Assembly's Digest, p. 50: "It was agreed to grant their request, provided that they agree to adopt our Westminster Confession of Faith and Catechisms, and engage to observe the Directory

as a plan of worship, discipline, and government, according to the agreement of this Synod."

In 1788, in the Adopting Act of the Confession, as entered in the Digest, p. 124, the Catechisms are distinctly mentioned as a part of our standards. "They also took into consideration the Westminster Larger and Shorter Catechisms, and having made a small amendment of the Larger, did approve, and do hereby approve and ratify the said Catechisms as now agreed on, as the Catechisms of the Presbyterian Church in the said United States. And the Synod order that the said Directory and Catechisms be printed and bound up in the same volume with the Confession of Faith and the Form of Government and Discipline; and that the whole be considered as the standard of our doctrine, government, discipline, and worship, agreeably to the resolutions of the Synod at their present sessions"—one of which resolutions was (p. 123), "that the Form of Government and Discipline, and the Confession of Faith, as now ratified, is to continue to be our constitution and the confession of our faith and practice unalterably, unless two-thirds of the Presbyteries under the care of the General Assembly shall propose alterations or amendments, and such alterations or amendments shall be agreed to and enacted by the General Assembly." Accordingly, in the Directory for the administration of baptism, the Larger and Shorter Catechisms of the Westminster Assembly are mentioned in connection with the Confession of Faith, as adopted by this Church, and are to be recommended as containing a summary of the principles of our holy religion, taught in the Scriptures of the Old and New Testament.

The committee therefore recommend to the Assembly the adoption of the following resolutions, viz.:

1. *Resolved* by the Assembly, that in receiving and adopting the Confession of Faith, as containing the system of doctrine taught in the Holy Scriptures, the Larger and Shorter Catechisms of the Westminster Assembly of Divines are included, and do constitute an integral part of the standards of this Church.

2. *Resolved*, That the use of the Catechisms in the religious instruction of the young and of the children under the care of the Church, be affectionately and earnestly recommended to the Sessions in connection with the General Assembly, as the most effectual means, under God, of preserving the purity, peace, and unity of our Church.—1832, p. 371.

c. Standard Copy of the Shorter Catechism.

Resolved, That the Assembly approve the revised copy of the Shorter Catechism, with the Ten Commandments, the Lord's Prayer, and the Creed, presented by the Board of Publication, and hereby adopt the same as the standard edition of our Church.—1872, p. 22.

d. The "Heidelberg Catechism" Approved.

The Resolutions reported by the Committee on the Heidelberg Catechism, were adopted, as follows, viz.:

1. *Resolved*, That this General Assembly recognizes, in the Heidelberg Catechism, a valuable scriptural compendium of Christian doctrine and duty.

2. *Resolved*, That if any churches desire to employ the Heidelberg Catechism in the instruction of their children, they may do so with the approbation of this Assembly.

3. *Resolved*, That this Assembly cordially rejoices at the continued and

increasing evidences of agreement and union, among those whose symbols maintain in common the faith once delivered to the saints.—1870, p. 120.

e. Adoption of the Confession includes the Catechisms.

When Ministers and other officers are ordained in the Presbyterian Church, and give an affirmative answer to the question: Do you sincerely receive and adopt the Confession of this Church as containing the system of doctrines taught in the Holy Scriptures? are such Ministers and officers to be understood as embracing and assenting to the doctrines, principles, precepts, and statements contained in the Larger and Shorter Catechisms, in the same unqualified sense in which they are understood to embrace and assent to the doctrines, principles, precepts, and statements contained in other parts of the Confession of Faith?

The committee recommend that the question be answered in the affirmative, and the recommendation was adopted.—1848, p. 18, O. S.

14. Ministers who cannot adopt the Standards, not to be Received.

On an overture from the Presbytery of Bethel relative to a Union with the Independent Presbyterian Church, the Assembly answers, "The privilege claimed by the Independent ministers, of holding and teaching doctrines not in harmony with the Confession of Faith, is a privilege, which, even if harmless in this particular case, might be abused as a precedent, and lead in other quarters and in other relations to serious mischief. The Assembly expresses the desire that these ministers may soon be able to embrace our standards, without reservation, and in that case the Presbytery of Bethel is hereby authorized to ratify the Union, without further application to this body; but in the event that the Independent ministers and churches cannot relinquish their peculiarities, with a good conscience, this Assembly will cherish them in the bonds of Christian love, but it cannot see its way clear to embrace them in the same Denomination."—1857, p. 42, O. S.

15. Refusal to alter the Language of the Confession.

Overture from Rev. Sayres Gazley in relation to changes in the language of our Confession of Faith, regarding the doctrine of the Trinity, and other doctrines.

The Committee recommend as an answer, that no change in the language of the Confession, respecting the points suggested, is desirable, or consistent with the word of God. Adopted unanimously.—1859, p. 532, O. S.

RELATION OF THE ASSEMBLIES, O. S. AND N. S., PREVIOUS TO REUNION.

16. Committee of Correspondence Appointed.

a. The Committee on Bills and Overtures reported an overture in these words:

"*Resolved*, That a proposal be made to the General Assembly of the Presbyterian Church, now holding its sessions in the city of Pittsburg, to institute fraternal correspondence by the interchange of delegates."—1849, p. 174, N. S.

The unfinished business of yesterday, viz., the indefinite postponement of the notice to send delegates to the Assembly at Pittsburg, was resumed.

The motion to postpone was lost.

The Rev. G. R. H. Shumway then moved to refer the whole subject to a special committee of five, to report to the next General Assembly,

which was carried, and Rev. Thomas Brainerd, D. D., Rev. James G. Hamner, D. D., Rev. Henry G. Ludlow, and Messrs. Ambrose White and Frederick A. Raybold were appointed.—1849, p. 175, N. S.

The Result.

b. A letter was received from the Rev. Thomas Brainerd, D. D., chairman of the committee appointed by the last Assembly, to correspond with a committee of the other General Assembly of the Presbyterian Church, if such should be appointed, stating that "as no corresponding committee was appointed by our brethren of the Assembly which met in Pittsburg last year, no opportunity has been had to carry out the fraternal and Christian spirit of our Assembly."

The committee were thereupon discharged.—1850, p. 306, N. S.

17. In answer to overtures for a Reunion, the Assembly, O. S., reply—

An overture from the Presbytery of Rochester, asking this Assembly to adopt some measures to effect a union between the two branches of the Presbyterian Church—

This Assembly having in former years (see Minutes of 1838, pp. 35 and 36, and Minutes of 1842, p. 32) fully declared that it was not its intention "to cause any sound Presbyterian to be permanently separated from our connection," and having provided a mode of return to our body (see Minute of 1838, p. 36) on principles which have seemed adapted to preserve the purity and peace of our Churches, consider it inexpedient to take any further action on the subject at this time. Yet the Assembly would reiterate its desire to see all sound Presbyterians reunited in one communion, according to the doctrine and polity of our standards, and would affectionately invite all such to seek this union in the ways that are now open to them.—1850, p. 467, O. S.

18. In answer to overtures for a Reunion, the Assembly, N. S., reply—

The report of the Committee on the union of the two branches of the Presbyterian Church, was taken from the docket, considered, adopted, and is as follows:

Resolved, 1. That the temper of these overtures meets the hearty approval of the Assembly, entirely accordant, as it is, with that spirit of brotherly affection toward other denominations, and of co-operation in matters of common interest, which has marked our whole history.

Resolved, 2. That while we have ever regretted the divisive acts of 1837, deeming them at variance alike with the Constitution of our Church and the word of God, we have never cherished an unkind or exacting spirit; as has been evinced in various ways, particularly in the proposal, made by us some years since, to gather with our brethren of the other Assembly, around the table of our common Lord.

Resolved, 3. That it would give us pleasure to unite, in the closest fellowship, with all persons who can stand with us on the basis of our Confession of Faith and Book of Discipline; and who substantially agree with us on the great moral questions of the day—in the matter, especially, of loyalty to the Government, and in the views of Slavery set forth, prior to the division, in the deliverance of 1818.

Resolved, 4. That, while we bear in remembrance the prayer of our Lord, that his disciples may be one, and while we can see some special advantages to be derived from a reunion of the two branches of the Presbyterian Church; we do not perceive, that, beyond the preceding declara-

tion of our views, anything remains for us, at the present, but to await humbly and teachably the movements of Divine Providence.—1862, p. 38, N. S.

19. Initiation of Correspondence between the Assemblies.

a. In the General Assembly of the Presbyterian Church in the United States of America, in session at Columbus, Ohio, the matter of a fraternal correspondence by commissioners, with the General Assembly of the Presbyterian Church (New-school), in session at Cincinnati, Ohio, being duly considered, is decided as follows:

This Assembly having considered certain overtures sent to it by a few of the Presbyteries under its care, proposing that steps should be taken by it towards an organic union between this Church and the Church under the care of the Presbyterian General Assembly (New-school); and having determined against the course proposed in said overtures, has also been informed that the other General Assembly has, about the same time, come to a similar conclusion on similar overtures laid before it by a certain number of its own Presbyteries. Of its own motion, this General Assembly, considering the time to have come for it to take the initiative in securing a better understanding of the relations which it judges are proper to be maintained between the two General Assemblies, hereby proposes that there shall be a stated, annual, and friendly interchange of commissioners between the two General Assemblies; each body sending to the other one minister and one ruling elder, as commissioners, year by year; the said commissioners to enjoy such privileges, in each body to which they are sent, as are common to all those now received by this body from other Christian denominations.

The Moderator of this Assembly will communicate this Deliverance to the Moderator of the other Assembly, to be laid before it with our Christian salutations.—1862, pp. 633, 634, O. S.

[This action was communicated to the Assembly, N. S., of 1863, whose response was as follows.]-

b. The Committee, to whom was referred the communication from the General Assembly of the Presbyterian Church in the United States of America, that met at Columbus, Ohio, in May, 1862, addressed to this General Assembly, and proposing "a stated, annual, and friendly interchange of Commissioners between the two General Assemblies," recommend the adoption of the following resolutions:

Resolved, 1. That this Assembly, with heartfelt pleasure and Christian salutations, accept the proposition thus made, hoping and praying, that it may result "in securing a better understanding of the relations," which, in the judgment of this Assembly, "are proper to be maintained between the two Assemblies."

2. That, in accordance with the suggestion of the Moderator of the Assembly that met at Columbus, Ohio, in May, 1862, that this interchange of Commissioners should commence at the earliest practicable period, the Rev. Robert W. Patterson, D. D., and the Hon. William H. Brown, Principals, and the Rev. Arthur Swazey and Mr. Oliver H. Lee, Alternates, all of the Presbytery of Chicago, be appointed Commissioners to represent this General Assembly in the General Assembly now in session at Peoria, Ill.

3. That it be suggested that future General Assemblies of the two branches of the Presbyterian Church in the United States, hereafter, designate each other respectively by the places in which their sessions are appointed to be held.

4. That a certified copy of this action be at once transmitted to the Moderator of the General Assembly now in session at Peoria, Ill., and that the Commissioners appointed be requested to repair to that body, and express to them the fraternal and Christian regards of this General Assembly.—1863, p. 230, N. S.

20. Action of the O. S. looking to Reunion.—Committee appointed.

a. The Committee of Bills and Overtures report Overture No. 10, on the subject of the reunion of the two branches of the Presbyterian Church, from the Presbyteries of Leavenworth, Muncie, New Lisbon, Madison, Erie, and Oxford. These Presbyteries ask the Assembly to take measures at this session to secure, at an early day, the organic union of the two bodies whose General Assemblies are now in session in this city.

The Committee recommend the adoption of the following resolutions:

Resolved, 1. That this Assembly expresses its fraternal affection for the other branch of the Presbyterian Church, and its earnest desire for reunion at the earliest time consistent with agreement in doctrine, order, and polity, on the basis of our common standards, and the prevalence of mutual confidence and love which are necessary to a happy union, and to the permanent peace and prosperity of the united Church.

Resolved, 2. That it be recommended to all our churches and church courts, and to all our ministers, ruling elders, and communicants, to cherish fraternal feelings, to cultivate Christian intercourse, in the worship of God and in the promotion of the cause of Christ, and to avoid all needless controversies and competitions adapted to perpetuate division and strife.

Resolved, 3. That a Committee of nine ministers and six ruling elders be appointed, provided that a similar Committee shall be appointed by the other Assembly now in session in this city, for the purpose of conferring in regard to the desirableness and practicability of reunion, and if, after conference and inquiry, such reunion shall seem to be desirable and practicable, to suggest suitable measures for its accomplishment, and report to the next General Assembly.—1866, p. 44, O. S.

b. Response of the N. S. Committee appointed.

The Committee on the Polity of the Church reported on several overtures relating to Reunion with the Other Branch of the Presbyterian Church. The report was unanimously adopted, and is as follows:

The Committee on the Polity of the Church report overtures, numbered 5 to 16, on the subject of the Reunion of the two branches of the Presbyterian Church: from the Presbyteries of New York, 3d, and New York, 4th, Newark, Dubuque, Greencastle, Alton, Steuben, Athens, Monroe, Keokuk, Long Island, Trumbull, and San Jose. All these Presbyteries, with different degrees of urgency, recommend to this Assembly to initiate, or to respond to, proposals looking to an entire Reunion of the churches represented by the two General Assemblies now in session in the city of St. Louis.

The General Assembly now in session at the Second Presbyterian Church of this city has also adopted resolutions, appointing a Committee to confer with a similar Committee of our own Church in regard to the desirableness and practicability of such Reunion.

Your Committee recommend to this Assembly the adoption of the following resolutions:

Resolved, That this Assembly tender to the Assembly, representing the Other Branch of the Presbyterian Church, its cordial Christian saluta-

tions and fellowship, and the expression of its earnest wish for Reunion, on the basis of our common standards, received in a common spirit.

Resolved, That a committee of fifteen, nine of whom shall be Ministers of the Gospel, and six Ruling Elders, be appointed to confer on this subject, in the recess of the Assemblies, with the Committee to be appointed by the other General Assembly, and to report the results to the next General Assembly.

Resolved, That we enjoin upon this Committee, and upon all our ministers and church members, to abstain from whatever may hinder a true Christian fellowship, and to cherish and cultivate those feelings and purposes which look to the peace and prosperity of Zion, the edifying of the body of Christ, and the complete union of all believers, especially of those who live in the same land, and have the same history, and the same standards of Doctrine and Polity.

Resolved, That a copy of these resolutions, with the names of our Committee, be sent to the other General Assembly now in session in this city. —1866, pp. 273, 274, N. S.

[Under these Resolutions the following Committees were appointed, viz.: of the Old School.]

Ministers.—J. M. Krebs, D. D., of the Synod of New York, C. C. Beatty, D. D., of the Synod of Wheeling, J. T. Backus, D. D., of the Synod of Albany, P. D. Gurley, D. D., of the Synod of Baltimore, J. G. Monfort, D. D., of the Synod of Cincinnati, W. D. Howard, D. D., of the Synod of Pittsburg, W. E. Schenck, D. D., of the Synod of Philadelphia, Villeroy D. Reed, D. D., of the Synod of New Jersey, F. T. Brown, D. D., of the Synod of Chicago. *Ruling Elders.*—James M. Ray, of the Synod of Northern Indiana, Robert McKnight, of the Synod of Allegheny, Samuel Galloway, of the Synod of Ohio, H. K. Clarke, of the Synod of Sandusky, George P. Strong, of the Synod of Missouri, Ormond Beatty, of the Synod of Kentucky.—1866, p. 48, O. S.

[Of the New School.]

Thomas Brainerd, D. D., Chairman, William Adams, D. D., Edwin F. Hatfield, D. D., Jonathan F. Stearns, D. D., Philemon H. Fowler, D. D., James B. Shaw, D. D., Henry L. Hitchcock, D. D., Robert W. Patterson, D. D., and Henry A. Nelson, D. D., with *Ruling Elders*—Joseph Allison, LL. D., Henry W. Williams, LL. D., and Messrs. Truman P. Handy, Edward A. Lambert, Robert W. Steele, and William H. Brown.—1866, p. 278, N. S.

[The joint committee thus constituted, reported to the Assemblies of 1867, as follows:]

REPORT OF THE COMMITTEE ON THE REUNION OF THE PRESBYTERIAN CHURCH.

The Committee appointed by the last General Assembly to confer with a similar Committee of the other Assembly, on the desirableness and practicability of reuniting the bodies which they severally represent, would respectfully report:

That in the discharge of the duty assigned them, the two Committees assembled in the city of New York on Wednesday, February 20th, 1867, and after organizing in their respective places of appointment, met in joint session for conference and prayer. These meetings continued to a late hour on Friday evening, February 22d, when the Committees adjourned, to meet again in the same city, on the first day of May. Reassembling at that time, they continued their conferences till Tuesday, May 7th, when they finally adjourned.

The circumstances in which the Committees held their first meeting were so peculiar as to demand a special mention, as they were fitted to produce an unusual sobriety.

The chairmen of both Committees, as originally constituted, were absent. One, Rev. Dr. Brainerd, had been translated to that world where all the distinctions of Christian discipleship which exist on the earth are lost in the harmony of heaven. The other, Rev. Dr. Krebs, was disabled, by severe illness, from all participation in our conferences, waiting for that change to come which will unite him to the great company of Christian ministers in the kingdom of God.

All the meetings of the Committees were distinguished by a degree of courtesy and unanimity which was more than common. Composed of men of decided individuality, representing divers interests and sections, they have discussed every question—many of them of admitted delicacy and difficulty—with the utmost frankness, without one word or expression of any kind ever to be regretted by Christian brethren who felt the grave responsibilities of their position.

The result of their conferences is contained in the following document, adopted in joint Committee with remarkable unanimity.

PROPOSED TERMS OF REUNION BETWEEN THE TWO BRANCHES OF THE PRESBYTERIAN CHURCH IN THE UNITED STATES OF AMERICA.

The Joint Committee of the two General Assemblies of the Presbyterian Church, appointed for the purpose of conferring on the desirableness and practicability of uniting these two bodies, deeply impressed with the responsibility of the work assigned us, and having earnestly sought Divine guidance and patiently devoted ourselves to the investigation of the questions involved, agree in presenting the following for the consideration, and, if they see fit, for the adoption of the two General Assemblies.

Believing that the interests of the Redeemer's kingdom would be promoted by healing our divisions; that practical union would greatly augment the efficiency of the whole Church for the accomplishment of its divinely-appointed work; that the main causes producing division have either wholly passed away or become in a great degree inoperative; and that two bodies, bearing the same name, adopting the same Constitution, and claiming the same corporate rights, cannot be justified by any but the most imperative reasons in maintaining separate and, in some respects, rival organizations; and regarding it as both just and proper that a Reunion should be effected by the two Churches as independent bodies, and on equal terms; we propose the following Terms and Recommendations, as suited to meet the demands of the case.

1. The Reunion shall be effected on the doctrinal and ecclesiastical basis of our common standards. The Confession of Faith shall continue to be sincerely received and adopted "as containing the system of doctrine taught in the Holy Scriptures;" and its fair historical sense, as it is accepted by the two bodies, in opposition to Antinomianism and Fatalism on the one hand, and to Arminianism and Pelagianism on the other, shall be regarded as the sense in which it is received and adopted; and the government and discipline of the Presbyterian Church in the United States shall continue to be approved as containing the principles and rules of our polity.

2. All the ministers and churches embraced in the two bodies shall be

admitted to the same standing in the united body which they may hold in their respective connections up to the consummation of the union; and all the churches connected with the united body, not thoroughly Presbyterian in their organization, shall be advised to perfect their organization as soon as is permitted by the highest interests to be consulted; no other such churches shall be received; and such persons alone shall be chosen Commissioners to the General Assembly as are eligible according to the Constitution of the Church.

3. The boundaries of the several Presbyteries and Synods shall be adjusted by the General Assembly of the united Church.

4. The official Records of the two branches of the Church for the period of separation shall be preserved and held as making up the one history of the Church; and no rule or precedent, which does not stand approved by both the bodies, shall be of any authority until re-established in the united body.

5. The corporate rights, now held by the two General Assemblies and by their Boards and Committees, shall, as far as practicable, be consolidated and applied for their several objects as defined by law.

6. There shall be one set of Committees or Boards for Home and Foreign Missions, and the other religious enterprises of the Church, which the churches shall be encouraged to sustain, though left free to cast their contributions into other channels if they desire to do so.

7. As soon as practicable, after the union shall be effected, the General Assembly shall reconstruct and consolidate the several Permanent Committees and Boards which now belong to the two Assemblies, in such a manner as to represent, as far as possible, with impartiality, the views and wishes of the two bodies constituting the united Church.

8. When it shall be ascertained that the requisite number of Presbyteries of the two bodies have approved the terms of union, as hereinafter provided for, the two General Assemblies shall each appoint a Committee of Seven, none of them having an official relation to either the Board or the Committee of Publication, who shall constitute a joint Committee, whose duty it shall be to revise the Catalogues of the existing publications of the two Churches, and to make out a list from them of such books and tracts as shall be issued by the united Church; and any catalogue thus made out, in order to its adoption, shall be approved by at least five members of each Committee.

9. If, at any time after the union has been effected, any of the theological seminaries, under the care and control of the General Assembly, shall desire to put themselves under Synodical control, they shall be permitted to do so at the request of their Boards of Direction; and those seminaries which are independent in their organization, shall have the privilege of putting themselves under ecclesiastical control, to the end that, if practicable, a system of ecclesiastical supervision of such institutions may ultimately prevail through the entire united Church.

10. It shall be regarded as the duty of all our judicatories, ministers, and people in the united Church, to study the things which make for peace, and to guard against all needless and offensive references to the causes that have divided us; and in order to avoid the revival of past issues by the continuance of any usage in either branch of the Church, that has grown out of our former conflicts, it is earnestly recommended to the lower judicatories of the Church, that they conform their practice in relation to all such usages, as far as consistent with their convictions of duty, to the general custom of the church prior to the controversies that resulted in the separation.

11. The terms of the reunion shall be of binding force, if they shall be ratified by three-fourths of the Presbyteries connected with each branch of the Church within one year after they shall have been submitted to them for approval.

12. The terms of the reunion shall be published by direction of the General Assemblies of 1867, for the deliberate examination of both branches of the Church, and the Joint Committee shall report to the General Assemblies of 1868 any modification of them they may deem desirable, in view of any new light that may have been received during the year.

13. It is recommended that the Hon. DANIEL HAINES and the Hon. HENRY W. GREEN, LL. D., of New Jersey, DANIEL LORD, LL. D., and THEODORE W. DWIGHT, LL. D., of New York, and Hon. WILLIAM STRONG and Hon. GEORGE SHARSWOOD, LL. D., of Pennsylvania, be appointed by the General Assemblies a Committee to investigate all questions of property and of vested rights as they may stand related to the matter of reunion, and this Committee shall report to the Joint Committee as early as the first of January, 1868.

14. It is evident that, in order to adapt our ecclesiastical system to the necessities and circumstances of the united Church as a greatly enlarged and widely-extended body, some changes in the Constitution will be required. The Joint Committee, therefore, request the two General Assemblies to instruct them in regard to the preparation of an additional article on this subject, to be reported to the Assemblies of 1868.

Signed by order of the Joint Committee,

CHARLES C. BEATTY, *Chairman.*

EDWIN F. HATFIELD, *Secretary.*

New York, May 7th, 1867.

Leaving their report with the General Assemblies, and the ministers and churches of our denomination throughout the land, your Committee cannot disregard the Providential auspices under which their recommendations await decision. The present is thought to be a favorable time, now that many questions of former controversy have lost their interest, for adopting a magnanimous policy, suited to the necessities of our country and the world.

The Presbyterian Church has a history of great renown. It has been intimately associated with civil and religious liberty in both hemispheres. Its republican and representative character, the parity of its clergy, the simplicity of its order, the equity of its administration, its sympathy with our institutions, its ardent patriotism in all stages of our history, its flexible adaptations to our heterogeneous population, its liberal support of schools, colleges, and seminaries designed for general education and theological culture, its firm and steadfast faith in the extension of the Redeemer's kingdom, and this by means of revealed truth and the special effusions of the Holy Spirit, in distinction from all trust in human arts and devices all unite to promise, if we are wise and faithful, a future for the Presbyterian Church in these United States greater and better than all the past. Amid all the changes which have occurred around us, we are confident that nothing true and good will ever recede or decay; and it becomes all those who love the same faith, order, and worship, abounding in love and hope, to pray that God would "count them worthy of their calling, that they may fulfill all the good pleasure of His goodness and the work of faith with power, that the name of our Lord Jesus

Christ may be glorified in them and they in him, according to the grace of our Lord Jesus Christ."

Signed by order of the Committee. CHARLES C. BEATTY, *Chairman.*
WILLIAM ADAMS, *Chairman.*

New York, May 7, 1867.

1867, pp. 387–390, O. S.
1867, pp. 480–484, N. S.

23. In the respective Assemblies of 1867 action was taken upon the above report as follows, viz.:

a. 1. *Resolved*, That this Assembly has listened with grateful and profound satisfaction to the report of the Committee on Church Reunion, and recognizes in the unanimity of the Joint Committee the finger of God as pointing toward an early and cordial reunion of the two sister Churches now so long separated.

2. *Resolved*, That said Committee be continued and directed to co-operate with any similar Committee of the other branch in furtherance of this object, and to report thereon to the next General Assembly.

3. *Resolved*, That the Committee be empowered to fill all vacancies that may occur in their body during the coming year, whether by resignation, protracted sickness, or by death.

4. *Resolved*, That the necessary expenses incurred by this Committee, in the discharge of the duties assigned them, be paid from the profits on the sale of books by the Board of Publication.

5. *Resolved*, That the Report of the Committee be published in the Appendix to the Minutes, and in our religious newspapers, and commended to the careful consideration of our whole Church, and that the Committee be directed to report to the next General Assembly any modification of the terms of reunion specified therein, which may appear desirable to the Joint Committee, in view of any further light that may have been received during the year.

6. *Resolved*, That the Hon. Daniel Haines, and the Hon. Henry W. Green, LL. D., of New Jersey, Daniel Lord, LL. D., and Theodore Dwight, LL. D., of New York, and the Hon. Wm. Strong, and the Hon. Geo. Sharswood, LL. D., of Pennsylvania, be appointed a Committee to investigate all questions of property and of vested rights as they may stand related to the matter of reunion; and that this Committee be requested to report to the Joint Committee as early as January 1, 1868; and that our share of the necessary expenses incurred by this Committee be also paid by our Board of Publication from the profits on its book-sales.

7. *Resolved*, That in submitting the Report of the Committee on Reunion to the consideration of the Churches and Presbyteries, the Assembly is not called upon at this time to express either approbation or disapprobation of the terms of reunion presented by the Committee in its details, but only to afford the Church a full opportunity to examine the subject in the light of all its advantages and difficulties, so that the Committee may have the benefit of any suggestions which may be offered, before making a final report for the action of the next Assembly.

On motion of Rev. P. D. Young, the Moderator was requested to appoint a member of the Reunion Committee of Fifteen to fill the virtual vacancy occasioned by the illness of the Rev. John M. Krebs, D. D. In accordance with this request, the Moderator appointed the Rev. J. E. Rockwell, D. D., of the Synod of New York.—1867, p. 362, O. S.

b. The Committee, to whom was referred the Report of the Special Committee, appointed by the last General Assembly to confer with a sim-

ilar Committee on the desirableness and practicability of reuniting the bodies which they severally represent, would respectfully report:

That they have given the document committed to them a careful consideration, in view of its grave importance, and the manifold interests it involves in its relations to our own Church and the progress of the Kingdom of Christ in the earth. It presents a basis for the proposed Reunion, which, if the two Assemblies so order, is to be submitted to the deliberate examination of both Branches of the Church for one year, subject to such modifications as may appear necessary or desirable within that period. It leaves the General Assemblies of 1868 free to act with reference to these terms of Reunion, in whole or in part, as providential signs may indicate; and, if advisable, to submit them to the constitutional and final action of the Presbyteries. Ample opportunity is thus afforded for a full and deliberate consideration of the whole subject, in all its bearings, as they shall affect local interests or the well-being of the entire Church.

For this and kindred reasons, your Committee conclude it was not the intention of this body, in referring to them this proposed basis of Reunion, that its several articles should be discussed at this time and place; and yet they cannot withhold their conviction, expressed in these general terms, that results have already been reached full of promise and hope; that, whatever concessions have been made, they only indicate how near the two parts of the divided Church have approached each other; that nothing more and nothing less than Christian charity would dictate has been yielded; and that, in the adjustment of any difficulties or differences, a proper regard has been preserved for the honor and rights of the respective bodies, to which the work of their Joint Committee is now submitted. The remarkable unanimity with which these initiatory proceedings have been concluded, after a thorough and frank discussion of the basis of Union, is full of encouragement; and whatever may be the ultimate result, much has already been accomplished for the healing of our divisions, and the promotion of peace and good-will in the Presbyterian body.

Impressed with these considerations, and gratefully recognizing therein the guiding providence of God in the successive stages of this work of concord, and especially in the spirit of wisdom and love given to His servants in their several conferences, we do recommend, that this Assembly approve of the whole action of its Special Committee as declared in their Report, and that the same Committee be continued for the purposes for which it was constituted.

There is a single point on which the Joint Committee ask instructions from the two General Assemblies. It relates to the changes in representation, etc., which will be required to adapt our ecclesiastical system to the necessities and circumstances of the united Church. We would recommend, that it be left to the Joint Committee to examine carefully the whole subject, and suggest such changes in the Constitution as in their wisdom they may deem requisite.

It is further recommended, that the report of the Joint Committee be published under the authority of the General Assembly, for general distribution among our ministers and churches.

It is also recommended, that the Assembly appoint the several gentlemen designated by the Joint Committee as legal advisers, and that, in case of the inability of any one of them to serve, the Committee have power to fill his place.

It is indicative, we would believe, of the temper of this Assembly, the largest during our history of thirty years since the separation, that your

Committee, though representing the extremes of our territory, and even the lingering memories of the conflict which culminated in the division, are of one mind in desiring the speedy and permanent Reunion of our beloved Church. It is but reasonable to anticipate, that the same spirit will characterize the action of the other Assembly, in the recollection of the fraternal, not to say magnanimous, advances made one year ago, and which gave rise to present measures for Reunion, and the hope increasingly and fondly cherished in the great Presbyterian household. Other members of that renowned family, than those represented in the two Assemblies now in session, at home and across the sea, are stirred in sympathy at the goodly prospect. The friends of Christian Union everywhere claim an interest in the completion of our work, so happily begun, as another sign of the predicted day when all Christ's people shall be one, keeping the unity of the Spirit in the bond of peace.—1867, pp. 485, 486, N. S.

[The Committee was continued, and in 1868 presented the following.]

REPORT OF THE COMMITTEE ON REUNION.

The Committee appointed by the General Assembly of 1866 to confer with a similar Committee of the other Assembly, in regard to the Reunion of the two Branches of the Presbyterian Church; and continued by the Assembly of 1867, with directions and instructions to co-operate with the other Committee in furtherance of the object, and "report to the General Assemblies of 1868 any modification of the terms of Union which might seem desirable to the Joint Committee, in view of any new light that may have been received during the year"—would now respectfully report:

That the two Committees again assembled in joint meeting, in the city of Philadelphia, on Wednesday A. M., the 11th of March, 1868, and continued in conference, reviewing the terms of Union, with the further light which they had received, till Saturday afternoon the 14th, when, having finished the important business with which they were intrusted, they finally adjourned.

Every member of these large Committees was present with the exception of Rev. Dr. Hitchcock, of Ohio, absent in Europe, Rev. Dr. Howard, of Pennsylvania, detained by severe illness, and Judge Strong, of Missouri, prevented by unavoidable professional engagements. Rev. Dr. Patterson, of Illinois, arrived from a foreign voyage, after a long absence, in season to meet the Committee; but feeling himself obliged to leave for home on Thursday afternoon, did not participate in the final action. This large and patient attendance was a new indication of the deep interest, which is felt throughout the country in the subject under consideration, and also of the profound sense of responsibility on the part of the several members of the Joint Committee, charged to take action in a matter, which must affect extensively and permanently the interests of our country and the kingdom of our Lord Jesus Christ.

To our regret, the report expected from the Legal Advisers appointed to investigate questions of property and vested rights was not received, owing to the death of Mr. Daniel Lord, and the fact that Judges Strong and Sharswood had declined to act in the premises, because of their present official position on the Bench. After filling a vacancy by the appointment of Hon. William A. Porter, of Philadelphia, we requested the Legal Committee to meet as soon as practicable and prepare their report, which will be submitted by them directly to the Assemblies.

To affirm that all the meetings of the Joint Committee were distinguished, as heretofore, by Christian courtesy and kindness, would be but a faint expression of the truth. This sentiment of fraternal confidence and regard assumed such forms of expression, that all who participated in the conference will be sure to remember it, as one of the greatest and happiest privileges of their lives. This kindness of feeling, however, did not repress or modify the utmost frankness in the statement of difficulties, real and alleged, on either side. It ought to be stated distinctly, in justice to all the many interests and sections represented by these Committees, that there was not the least reserve in the expression of the objections, which had been urged in any quarter, against the proposed reunion. So frank and explicit was this utterance, that at times it appeared as if honest differences of opinion would render success uncertain. But the effect of continued and candid conference was the increase of confidence, through the correction of misapprehensions and the removal of obstacles, so that the very clouds, which threatened to obscure the light, arranged themselves at last so as to reflect and increase what they could not hide. The prayers of many churches and Conventions, in different parts of the country, known to the Committee to be ascending to God in their behalf, were abundantly answered in the entire harmony and unanimity to which they eventually attained. By this unanimity it is not meant, that in every article and act of the Committee the preferences of each member were fully met; but that all were finally agreed, that the basis of Union now to be reported was, in the circumstances, the best that could be framed in the way of adjusting divers conflicting views and interests; and as such it was adopted in the final vote, with entire unanimity, pledges of cordial support, and sincere thanks to Almighty God.

Your Committee are fully persuaded that, if the ministers, elders, and members of both branches of the Church had been present at our recent conferences, seen what we saw, and heard what we heard, they would heartily join in the result which was reached by their representatives. With this belief the Committee have judged it expedient and proper, to accompany their report with such explanatory words, as may serve to convey to others the facts and motives which proved of such weight to themselves.

Your Committee were not at liberty to forget or overlook the premises upon which they received their appointment. The Resolution of the General Assembly (O. S.) in which this movement originated, expressed the "*earnest desire*" of that body for reunion at the earliest time consistent with agreement in doctrine, order, and polity, on the basis of our common standards and the prevalence of mutual confidence and love. The General Assembly (N. S.), in responding to this action by a similar vote, expressed "its *earnest wish* for reunion" on a similar basis.

This EARNEST DESIRE for union, as confessed by both bodies, is a fact which antedates the appointment of your Committee. They were not commissioned to inquire whether it existed, or to take measures to excite and promote it. The existence of this acknowledged sentiment was the basis upon which the two Committees were appointed. These premises assumed, the position occupied by the Joint Committee, and the point of view from which they should survey their work, were already decided by both Assemblies.

The desirableness of reunion, if it can be consummated on satisfactory terms, is not to be treated and put aside as a blind and imbecile impulse; it is the act and expression of Christian wisdom. The movement, thus inaugurated and advanced, was not made necessary by the condition or

prospects of either of the bodies now in conference. Each is thoroughly organized, equipped, and prosperous. Neither needs the accession of the other for its *own sake* merely. The motives which impel to union are higher and greater than any which pertain to denominational advantage. They relate to the welfare of the whole country, and the kingdom of our Lord in all the earth. On this high ground, chosen for them in the providence of God, by the action of both Assemblies, the two Committees took their stand, inclined in advance, when any concessions were to be made, that the lesser preference should defer to the greater and the stronger.

The changes which have occurred in our own country and throughout the world, during the last thirty years—the period of our separation—arrest and compel attention. Within this time the original number of our States has been very nearly doubled. It was in the year 1837 that what is now the great and prosperous State of Michigan was admitted into the Union. Florida, Texas, Wisconsin, Iowa, California, Minnesota, Oregon, Kansas, Nevada, Nebraska, have followed in rapid succession; with numerous territories already organized, soon to take their places in the National Union. And all this vast domain is to be supplied with the means of education and the institutions of religion, as the only source and protection of our national life. The population crowding into this immense area is heterogeneous. Six millions of emigrants, representing various religions and nationalities, have arrived on our shores within the last thirty years; and four millions of slaves, recently enfranchised, demand Christian education. It is no secret that anti-Christian forces—Romanism, Ecclesiasticism, Rationalism, Infidelity, Materialism, and Paganism itself—assuming new vitality, are struggling for the ascendency. Christian forces should be combined and deployed, according to the new movements of their adversaries. It is no time for small and weak detachments which may easily be defeated in detail. A lesson has been given us in recent years, as to the ease with which diversities of sentiment may be harmonized and combined in one purpose to maintain the national life. The time has come when minor motives should be merged in the magnanimous purpose, inspired both by patriotism and religion, to Christianize the whole country.

The necessity of a closer union among Christians of a common faith and order has come to be felt in a new sense, by the members of our several churches. It cannot be denied, that there exists a widespread and earnest longing for more of visible unity among all classes of Christian people. This is especially noticeable among the most intelligent, active, and generous in our connection. Responding to the teachings and challenges of the pulpit, the laity in our large cities and towns have entered upon a new stage of Christian activity, demonstrating the possibility of practical union in the stewardship of Christ. In many quarters there is an evident increase of evangelic life and energy. With these facts well authenticated before them, your Committee feel that, should the elements now stirred and converging toward union be diverted and repelled from their object, the effect would be most disastrous on the prospects of true religion. If the hearts of Christian people, combined already throughout the land in Christian work, should be disappointed as to that organic union which they crave, and this, through differences asserted by the clergy, which the laity either do not understand or with which they have no sympathy, the certain effect will be to lessen the sentiment of respect and confidence on their part toward their appointed leaders, and weaken the force of paramount motives.

Nor is the proposed union desirable on our own account only. It is

inevitable that its effects should be felt throughout the whole of Christendom. Many of the ecclesiastical organizations of Protestant Europe had their origin in remote controversies connected with the Reformation. That was a time for the assertion of truth, rather than for the expression of love. It was not so much a season for extending Christianity as for purifying and preparing it for future aggression. If we must judge now, that segregation was then carried to an extreme beyond what was required by necessity and Christian charity, surely we possess peculiar advantages in this country and age, for availing ourselves of a wiser and happier policy. Nothing is so long-lived and inveterate as ancestral memories and prejudices. Before the world we are now engaged, as a nation, in solving the problem whether it is possible for all the incongruous and antagonistic nationalities thrown upon our shores, exerting their mutual attraction and repulsion, to become fused in one new American sentiment. If the several branches of the Presbyterian Church in this country, representing to a great degree ancestral differences, should become cordially united, it must have not only a direct effect upon the question of our national unity, but reacting by the force of a successful example on the Old World, must render aid in that direction, to all who are striving to reconsider and readjust those combinations, which had their origin either in the faults or the necessities of a remote past. The results of our present movement are eagerly observed by many, and its success or failure must inevitably affect other efforts, at home and abroad, looking to the consolidation of other branches of the Christian Church; nor can we doubt that, if any hindrance should frustrate the consummation of that union now contemplated by ourselves, a pang of grief and disappointment would be felt not only in our own country, but throughout Protestant Christendom.

The third of a century, the life of a whole generation, has indeed wrought wondrous changes, of the greatest promise for the future. Another order of things exists. Old causes of irritation are removed. A new generation in the ministry and the membership of the Church has arisen, with little sympathy for those controversies that resulted in division. A new evangelic spirit is abroad, like the breath of Spring, inviting to a new style of action.

It would have betrayed a criminal temper, on the part of your Committee, had they been indifferent to those events and sentiments to which they owe their own appointment, and under the influence of which they addressed themselves honestly, patiently, and prayerfully to the duty assigned to them. The result of their deliberation is embodied in the following document, which they now submit for the consideration of the Assemblies:—

PROPOSED TERMS OF REUNION BETWEEN THE TWO BRANCHES OF THE PRESBYTERIAN CHURCH IN THE UNITED STATES OF AMERICA.

The Joint Committee of the two General Assemblies of the Presbyterian Church, appointed for the purpose of conferring on the desirableness and practicability of uniting these two bodies, deeply impressed with the responsibility of the work assigned us, and having earnestly sought Divine guidance, and patiently devoted ourselves to the investigation of the questions involved, agree in presenting the following for the consideration, and, if they see fit, for the adoption, of the two General Assemblies.

Believing that the interests of the Redeemer's kingdom would be

promoted by healing our divisions; that practical union would greatly augment the efficiency of the whole Church for the accomplishment of its divinely-appointed work; that the main causes producing division have either wholly passed away, or become so far inoperative, as that Reunion is now "consistent with agreement in doctrine, order, and polity, on the basis of our common standards, and the prevalence of mutual confidence and love;" and that two bodies, bearing the same name, adopting the same Constitution, and claiming the same corporate rights, cannot be justified by any but the most imperative reasons in maintaining separate and, in some respects, rival organizations; and regarding it as both just and proper, that a Reunion should be effected by the two Churches, as independent bodies, and on equal terms; we propose the following Terms and Recommendations, as suited to meet the demands of the case:

1. The Reunion shall be effected on the doctrinal and ecclesiastical basis of our common standards; the Scriptures of the Old and New Testaments shall be acknowledged to be the inspired Word of God, and the only infallible rule of faith and practice; the Confession of Faith shall continue to be sincerely received and adopted, "as containing the system of doctrine taught in the Holy Scriptures;" it being understood, that this Confession is received in its proper, historical—that is, the Calvinistic or Reformed—sense; it is also understood, that various methods of viewing, stating, explaining, and illustrating, the doctrines of the Confession which do not impair the integrity of the Reformed or Calvinistic system, are to be freely allowed in the united Church, as they have hitherto been allowed in the separate Churches: and the Government and discipline of the Presbyterian Church in the United States shall be approved as containing the principles and rules of our polity.

2. All the ministers and Churches, embraced in the two bodies, shall be admitted to the same standing in the united body, which they may hold in their respective connections up to the consummation of the union; imperfectly organized churches shall be counseled and expected to become thoroughly Presbyterian, as early, within the period of five years, as is permitted by the highest interests to be consulted; and no other such churches shall be hereafter received.

3. The boundaries of the several Presbyteries and Synods shall be adjusted by the General Assembly of the united Church.

4. The official records of the two Branches of the Church, for the period of separation, shall be preserved and held as making up the one history of the Church; and no rule or precedent, which does not stand approved by both the bodies, shall be of any authority, until re-established in the united body, except in so far as such rule or precedent may affect the rights of property founded thereon.

5. The corporate rights, now held by the two General Assemblies, and by their Boards and Committees, shall, as far as practicable, be consolidated, and applied for their several objects, as defined by law.

6. There shall be one set of Committees or Boards for Home and Foreign Missions, and the other religious enterprises of the Church, which the churches shall be encouraged to sustain, though free to cast their contributions into other channels, if they desire to do so.

7. As soon as practicable after the union shall be effected, the General Assembly shall reconstruct and consolidate the several Permanent Committees and Boards, which now belong to the two Assemblies, in such a manner as to represent, as far as possible, with impartiality, the views and wishes of the two bodies constituting the united Church.

8. The publications of the Board of Publication, and of the Publica-

tion Committee, shall continue to be issued as at present, leaving it to the Board of Publication of the united Church to revise these issues, and perfect a catalogue for the joint Church, so as to exclude invidious references to past controversies.

9. In order to a uniform system of ecclesiastical supervision, those Theological Seminaries that are now under Assembly control may, if their Boards of Direction so elect, be transferred to the watch and care of one or more of the adjacent Synods; and the other Seminaries are advised to introduce, as far as may be, into their Constitutions, the principle of Synodical or Assembly supervision; in which case, they shall be entitled to an official recognition and approbation on the part of the General Assembly.

10. It is agreed, that the Presbyteries possess the right to examine ministers applying for admission from other Presbyteries; but each Presbytery shall be left free to decide for itself when it shall exercise the right.

11. It shall be regarded as the duty of all our judicatories, ministers, and people in the united Church, to study the things which make for peace, and to guard against all needless and offensive references to the causes that have divided us; and, in order to avoid the revival of past issues, by the continuance of any usage in either Branch of the Church that has grown out of our former conflicts, it is earnestly recommended to the lower judicatories of the Church, that they conform their practice in relation to all such usages, as far as is consistent with their convictions of duty, to the general custom of the Church prior to the controversies that resulted in the separation.

12. The Terms of the Reunion, if they are approved by the General Assemblies of 1868, shall be overtured to the several Presbyteries under their care, and shall be of binding force, if they are ratified by three fourths of the Presbyteries connected with each Branch of the Church, within one year after they shall have been submitted to them for approval.

13. If the two General Assemblies of 1869 shall find, that the plan of Reunion has been ratified by the requisite number of Presbyteries in each body, they shall, after the conclusion of all their business, be dissolved by their respective Moderators, in the manner and form following, viz.:— Each Moderator shall address the Assembly over which he presides, saying, "By virtue of the authority delegated to me by the Church, and in conformity with the Plan of Union adopted by the two Presbyterian Churches, let this Assembly be dissolved; and I do hereby dissolve it, and require a General Assembly, chosen in the same manner, by all the Presbyteries in connection with this body, and all those in connection with the General Assembly meeting this year in ———, to meet in ———, on the ——— day of May, A. D. 1870; and I do hereby declare and proclaim, that the General Assembly thus constituted will be the rightful General Assembly of the Presbyterian Church in the United States of America, now, by the grace of God, happily united."

Signed, by order of the Joint Committee,

CHARLES C. BEATTY, *Chairman.*

EDWIN F. HATFIELD, Secretary.

Philadelphia, March 14, A. D. 1868.

It will be observed that the Committee have agreed upon a few modifications of the Basis of Union, reported in May, 1867; this, not so much from any change of opinion on their own part, as with a view, if possible,

of preventing or correcting misapprehension, and to meet, more fully, the views and wishes of the bodies which they represent.

In reference to the *First* Article, containing the doctrinal basis, the language employed is so explicit, that the Committee believe it will prove satisfactory to all who desire union on the terms of Christian confidence and honor. First of all, following the order of the "Constitutional Questions" proposed by our Form of Government to all who are ordained to the Ministry and Eldership of the Presbyterian Church, we assert the great Protestant principle—the sole supremacy and undivided authority of the Word of God, in all matters of faith and practice: assigning to this the foremost place above Church, Creed, Confession, School, and System.

Magnifying the Inspired Scriptures, we next adopt, endorse, and honor, our common Confession, as "containing the system of doctrine taught in the Holy Scriptures." So far as they were concerned themselves, the Committees would have been content to rest in this prescribed form of words, as received and used by Christian brethren. Unhappily, misapprehension, prejudices, and distrust are engendered by divisions, to obviate which the Committee have endeavored to modify the language of their former report, thought by some to be ambiguous, so as to make it precise, without surmising or exaggerating differences of opinion.

In their judgment, the line of distinction between the two Assemblies, as now drawn, does not consist, as some have supposed, merely in theological diversities. The same Confession is adopted by all. It is adopted in the same terms as containing the same system. To make this agreement the more determinate, the Committee have given this system its historic name. At the same time that we mutually interchange these guarantees for orthodoxy, we mutually interchange guarantees for Christian liberty. Differences always have existed and been allowed in the Presbyterian Churches in Europe and America, as to modes of explaining and theorizing within the metes and bounds of the one accepted system. What exists in fact, we have undertaken to express in words. To put into exact formulas *what* opinions should be allowed and what interdicted, would be to write a new Confession of Faith. This neither branch of the Church desires. Your Committee have assumed no such work of supererogation. Neither have they made compromises or concessions. They append no codicil to the old symbols. They have asserted, as being essential to all true unity, the necessity of adopting the same Confession and the same System, with the recognition of liberty on either hand, for such differences as do not impair the integrity of the system itself; which is all the liberty that any branch of the great Calvinistic family of churches has ever claimed or desired. Your Committee cannot see how it was possible for them to employ language more precise and guarded, unless they were prepared to substitute "private interpretations" for the recognized standards of the Church. To go further in either direction than they have done, would certainly lead to useless and endless "strifes of words." Language somewhere must find a limit. It would be impossible so to frame expressions on this subject, that those who are opposed to reunion may not find occasion to cavil and object. But the Committee hope and trust that the Article now reported will commend itself to all fair-minded men, as containing what is precise, yet not exclusive; definite, yet not rigid; specific, yet not inflexible; liberal, without laxity; catholic, without latitudinarianism. If exact uniformity in all shades of opinion, in technical adjustments, in philosophic theories, be regarded as essential to union, we should earnestly recommend the in-

definite adjournment of the present movement. Nor would consistency allow us to rest here; our present organizations should be dissolved and exchanged for disintegration and individualism.

Nothing need be said in vindication of the *Second* Article, to those who are *fully informed* concerning the churches referred to therein. Your Committee had to deal, not with abstractions, but with facts and realities. The churches here described originated in a policy which was itself inaugurated by a remote necessity; their number is limited, and cannot be increased; the terms of their relationship are prescribed and limited also; their Presbyterial relationship is at present cordial, happy, and eminently useful; and some of them are deemed, by the Presbyteries with which they are connected, as among their most efficient and excellent churches. As nothing is intended by our action to disturb the present relations of these churches, so nothing is designed to be done, at any time, which can be regarded as inconsistent with good faith and honor; but such statements were made by those members of the Joint Committee more immediately representing the sections of country in which these churches exist, as led the Committee to believe, that the friendly counsel contained in this Article would prove not unacceptable to these churches themselves, and that the specification of a definite time might be an aid to them in perfecting that organization which is now suggested by Christian expediency.

The several Articles, which contemplate the combination and re-adjustment of the respective Boards and Committees of the two Assemblies, look only to economy and increased efficiency.

The recommendation contained in the *Eighth* Article calls for the briefest explanation, as it is believed that it will prove more satisfactory than the former Article, to which various objections were made. No disposition was manifest in the Committee to press invidious distinctions and preferences. Neither Publishing Committee is to supersede or endorse the other. Both, earnestly engaged at present in publishing what is received by the churches at large, as valuable literature in theology and practical religion, are advised to continue as now organized, till such a new Board or Committee shall be appointed in the united Church, as, it may be supposed, would be prompted, by every instinct of Christian propriety, to omit painful and invidious references to past strifes, leaving undisturbed what is now, and ever must be, highly prized by all our ministers and churches.

As to the action of the Committee concerning Theological Seminaries, as embodied in Article *Ninth* of their report, all difficulty springs from the obvious fact, that there is no authority which is competent to forbid the endowment of Seminaries at any time by any individuals in our connection. Those Theological Seminaries which are now independent of ecclesiastical control, were founded *before the disruption*, and endowed by men representing alike what are now known as Old- and New-School Churches. What was done then may be repeated again. *A recommendation*, looking to some uniformity of ecclesiastical supervision, is all which the Committee felt to be within their province or that of the Assembly; except that those Seminaries, now belonging to either branch of the Church, should have every guarantee and protection for their chartered rights which they might desire.

A new Article, here designated as the *Tenth*, has been introduced, in which some concession has been made on both sides, designed to reconcile conflicting claims and usages. Many churches and presbyteries, in both Assemblies, claim the right, as now expressed in formal vote, of pro-

nouncing upon the expediency of admitting, to their own membership, those who bear testimonials from correlative bodies. One Assembly now makes this obligatory upon all the Presbyteries. The Committee recommend the recognition of the right, and the abolition of the imperative rule. As all difficulties springing from this cause had their origin in times of suspicion and distrust which, it is hoped, are passing away, it is believed that the whole matter may safely be left to adjust itself in a new era of confidence and harmony. In this connection, however, the Committee would particularly refer to the next Article (No. 11), which emphasizes the duty of all our judicatories to study the things which make for peace, and earnestly recommends to the Presbyteries to conform to earlier and more ancient usages. The examination of ministers passing from one Presbytery to another is altogether unknown to the Presbyterian Churches of Scotland and Ireland; nor was it originally practiced in our own. The extent of territory covered by the Presbyterian Church in the United States may have been one reason for another method, in later years, in our own country; but, inasmuch as the right and usage asserted and defended by some, and denied and discarded by others, were related to controversies which are past, the Committee are confident that practical difficulties, from this quarter, will be obviated by the adoption of their entire action in the premises. Amid the diversified practices which now prevail as to the subject in both branches of the Church, this recommendation of the Committee was designed to allay, and not to promote distrust and suspicion.

That some changes must be made in the present method and ratio of representation is apparent from the size of the two Assemblies. Differences of opinion also have long existed in both branches, as to the powers and prerogatives of the General Assembly as now exercised. Many are jealous and apprehensive lest these may transcend the limits of expediency and constitutional law. Whether the proposed reunion would create the necessity of enlarging the authority of the local Synods and modifying somewhat the power and province of the General Assembly, is a subject upon which, as not having been referred to them, the Committees have not felt at liberty to make suggestions or to take action, beyond that of commending it to the attention of the two Assemblies, which they do in the following terms, to wit:

"The Joint Committee recommend that each of the two General Assemblies of 1868 appoint a Committee of five, to constitute a Joint Committee of ten, whose duty shall be to prepare and propose to the first General Assembly of the united Church a proper adjustment of the boundaries of Presbyteries and Synods.

"This Committee shall also recommend to the General Assembly any amendments of the Constitution, which they may think necessary to secure efficiency and harmony in the administration of a Church so greatly enlarged and so rapidly extending."

Thus have the Committee discharged the duty with which they were entrusted. Having acted to the best of their ability, according to all the wisdom they could command, their responsibility ceases. The grave necessity of decisive action is now devolved on the respective Assemblies and Presbyteries of the Church. That this responsibility transcends what ordinarily occurs in the life of men, no one will question.

The union contemplated in this report is one based on "mutual confidence and love." The Committees are aware that they have personally enjoyed peculiar opportunities, in the way of intimate fraternal intercourse, for the cultivation and expression of these Christian sentiments.

Whatever differences may exist among themselves on subordinate matters, they have come to rest in mutual confidence concerning that which is of paramount importance. If the same sentiment prevails throughout the whole Church, organic union cannot be prevented; if it should prove to be wanting, no technical formulas, no cautious definitions, no well-guarded conditions, can produce union of any value or permanence. There is a so-called unity, which is like the freezing together into one solid mass of all incongruous and heterogeneous substances. Such icy compression is undesirable. There is another unity, which the Holy Ghost has compared to the living "body fitly joined together, and compacted by that which every joint supplieth, according to the effectual working in the measure of every part," making "increase of the body unto the *edifying of itself in love.*" Such is the Divine model of ecclesiastical Union, combining diversity and harmony, liberty and love, and the whole instinct with life, and predestined to growth and perfection. Love demands few conditions, and confidence builds on something better than verbal guarantees. Your Committee have never expected to reconcile all local interests, all private preferences, all personal memories and prejudices. Content are they, if the Articles of Agreement, herewith reported and recommended, approve themselves to the thoughtful and judicious in both branches of the Church, as suited to promote, not the advantage of any school or sect, but the healthful vigor of the entire Church, the prosperity of the whole country, the honor of our adorable Lord.

We make no computation of majorities and minorities, in the united Church, as related to past distinctions. We recognize no such idea as one body absorbing the other; our whole action is based on the principle of two bodies, now independent and equal, becoming assimilated and fused together in cordial "agreement as to doctrine, order, and polity, on the basis of our common standards, and the prevalence of mutual confidence and love." In such a sublime act, something must be trusted to the power of Christian sentiment; something left to be accomplished by faith in one another, as well as in our common Lord. Signs are visible in every quarter of increased confidence among Christian churches and ministers, long separated by ecclesiastical differences, now yearning for more of unity. As well might we deny the return of Spring and the putting forth of buds and the tender grass, as question this obvious fact. Do not events indicate a Divine Leadership which it is our wisdom to observe and obey? Results have already been reached, under Pentecostal effusions of the Spirit from on high, surpassing the most sanguine expectations, rebuking unbelief, dissolving prejudice, and betokening greater things to come. Some things must be referred to the past. If we face the sun, our shadows are behind us. "Let the dead bury their dead." It is our Lord himself who teaches us, that all which is personal and private should be held subordinate to the claims and affinities of his kingdom. What was tolerated once may not be justified now. The future cheers and animates us with brightest prospects. The voice of the Son of God rebukes the weakness and wickedness of schism, and enjoins the unity of faith and love. Hope anticipates the time when, every dissension healed and forgotten by Christian charity, all branches of the Presbyterian Church, in all sections of our common country, holding the same Standards, shall be drawn together by patriotic and evangelical sympathies in cordial and indissoluble union. Glorious things are promised to the Church, "in the day that the Lord bindeth up the breach of his people and healeth the stroke of their wound."

Surely it will be for good and not evil, for joy and not sorrow, for

strength and not weakness, if henceforth our rule shall be "*One* body and *one* spirit, even as 'we' are called in *one* hope of 'our' calling. *One* Lord, *one* faith, *one* baptism, *one* God and Father of all, who is above all and through all and in 'us' all."

"Now unto Him that is able to do exceeding abundantly above all that we ask or think, according to the power that worketh in us, unto him be glory in the Church, by Christ Jesus, throughout all ages, world without end, Amen!" Signed by order of the Committee,

CHARLES C. BEATTY, *Chairman.*—1868, pp. 669–677, O. S.
WILLIAM ADAMS, *Chairman.*—1868, pp. 26–38, N. S.

a. The terms of Reunion, thus proposed by the Joint Committee, were "approved" by the O. S. Assembly and sent down to the Presbyteries for their action by a vote of Ayes 188, Nays 70. Excused 1.—1868, p. 628, O. S.

It was also, on motion of Judge Leavitt,

Resolved, 1. That the report of the Joint Committee on the basis of the union of the two branches of the Church now made, be, and the same is hereby, accepted, and the terms of Reunion are hereby approved by this Assembly; and it is ordered that the whole be sent down to the Presbyteries for their final action upon said terms of Reunion.

Resolved, 2. That the Presbyteries be requested to report to the Stated Clerk their action approving or disapproving the proposed basis of union, before the meeting of the Assembly in 1869.

Resolved, 3. That the Stated Clerk be directed to cause to be printed, at an early day, five thousand copies of the entire report of the Joint Committee, at the expense of the Board of Publication, for distribution to the ministers and sessions of the churches.—1868, p. 631, O. S.

b. In the N. S. Assembly on the consideration of the report of a special Committee, recommending the approval of terms of Reunion as above: It was—

Resolved, That, before proceeding to take the vote upon the report of the Special Committee of Reunion, the roll be called, that any member may express his dissent from any article of the proposed terms of Reunion, and that such dissent be entered on the record.

In accordance with this action, the roll was called, and the following members expressed their dissent from the 2d and 10th articles of the Basis proposed by the Joint Committee on Reunion, namely: the Rev. Henry A. Nelson, D. D., Rev. Timothy Hill, and Elder Jason Yurann; Elder Eli R. Miller expressed his dissent from the 2d article; and the following members expressed their dissent from the 10th article, namely: Ministers, William Waith, T. Ralston Smith, D. D., William T. Eva, Joseph Vance, Frederick A. Noble, William A. McCorkle, Ira M. Weed, Charles S. Adams, C. Solon Armstrong, Henry B. Eldred, Warren Taylor, David E. Beach, Edward D. Morris, D. D., A. Alexander Jimeson, Evan L. Davies, Charles H. Marshall, Henry S. Little, John B. Fowler, George Duffield, Jr., George M. Jenks, Robert W. Patterson, D. D., Arthur Swazey, John H. Walker, George D. Young, John M. Brown, and Thomas Brown; and the Elders, Hon. Frederick H. Hastings, Merrill N. Hutchinson, Samuel T. Bodine, Daniel B. Greene, Matthew Newkirk, Daniel S. Beaver, and John de Clue.

The report of the Special Committee was then taken up, amended, and unanimously adopted. The Rev. Robert W. Patterson, D. D., the Rev. Arthur Swazey, the Rev. J. Ambrose Wight, and Elder Richard Edwards were excused from voting.—1868, pp. 25, 26, N. S.

[The above vote approved of the "proposed terms of Reunion between the two branches of the Presbyterian Church, in the United States of America," as also of the report of the Special Committee, viz. :]

Resolved, That this Committee recommend to the General Assembly the approval of the proposed terms of Reunion as given on pages 8, 9, and 10 of the report, and also the article on page 14, with the accompanying interpretations and explanations of the Joint Committee, and that the same be sent down as an overture to our Presbyteries.

24. Report of the Special Committee (N. S.) on the foregoing Report.

The Committee to whom was referred the Report of the General Committee on Reunion, respectfully make their report:—

This Report of the General Committee of this Assembly contains the "Terms and Recommendations" for Reunion, as the Report of the Joint Committee of both Assemblies, and which "Terms and Recommendations" have manifestly been most carefully prepared, are clear in statement, comprehensive of the whole subject of Reunion, and present a plain and intelligible basis on which the divided portions of the Presbyterian Church in the United States may again stand together. Summarily, the basis is as follows: The Scriptures of the Old and New Testaments; the Confession of Faith as a System of Doctrine, and this to be received in the Reformed or Calvinistic sense; and the allowance of philosophical views and explanatory statements in the united Church which do not impair the integrity of the Calvinistic system. To these particulars, as the substance of the basis, other "Terms and Recommendations" are given, which may be considered as complementary to the former; and on this ground it is proposed that the two bodies again become permanently one.

To these "Terms and Recommendations," the Report of the General Committee of this Assembly appends, as prefatory, such historic and explanatory statements "as may serve to convey to others the facts and motives which proved of such weight to themselves;" and also, as supplementary, a very clear and full comment on the body of the "Terms and Recommendations" contained in the Joint Committee's Report. The General Committee of the other Assembly append also, in their report to that body, the same comments and statements to these same joint "Terms and Recommendations." These appended statements and comments, it is understood, have been personally signed or expressly assented to by nearly all the members of the Joint Committee. This is deemed to be a very valuable and important part of the Report which has been put into our hands, constituting an official and authoritative exposition of the meaning of the "Terms and Recommendations," and which exposition is given as clearly and conclusively as language can be used to explain language. It must preclude the practicability of any judicial application of the "Terms and Recommendations" beyond the meaning here affixed to them by the authors themselves. Though not the covenant itself of Reunion, it is a direct official interpretation of it, and such that any attempt to override it would be repelled by all the force of virtuous Christian indignation throughout the religious world.

While the basis of Reunion, given in these "Terms and Recommendations," may hopefully be expected to be found acceptable and even satisfactory to most of the members of both Branches of the Church, it has already become manifest that it is not acceptable to all. Difficulties and objections, of probably opposite bearings, will be found in the different divisions of the Church; but it is of importance here to us, that we recognize only such as it may be apprehended will be felt and urged in our

own body. Among the most prominent will be, doubtless, found a measure of hesitation and difficulty from objections somewhat in the following form:

"Various methods of viewing, stating, explaining, and illustrating the doctrines of the 'Confession of Faith' are to be freely allowed in the united Church, as they have hitherto been allowed in the separate churches," only they must "not impair the integrity of the Calvinistic system." And now, who shall decide whether the views do impair the integrity of the system? If there be a strenuous and rigid umpire, such will doubtless be found intolerant of opinions and interpretations contrary to its own. A mind cautious and jealous of all encroachment on religious liberty will doubt, and in proportion to his fears, he will hesitate or object.

But is the danger here really formidable? Admit the majority of the ecclesiastical body must decide; but, in the way the members of our Presbyteries now will have their standing in the united Church then, will they be unsafe and exposed to oppression? Aside from the manifest liberality, and confidence, and love, which there must be in the members of the opposite branch before three quarters of its Presbyteries shall vote us together, there are these quite impregnable safeguards. The man whose sentiments do not violate the Calvinistic system cannot be hurt. And if the fear still is that, in the opinion of the judicatory, the sentiment may be in violation of the integrity of the Calvinistic system, and that this opinion of the judicatory must rule, the answer at once is, not the judicatory on its own opinion, but the judicatory as convinced that the opposite Branch of the Church has allowed or not allowed the sentiment to be in consonance with the Calvinistic system. If the man is not out of the pale of his former church's orthodoxy, he cannot be in danger from any ecclesiastical court's rigidity or bigotry.

Danger from this cannot be further pressed without directly questioning the candor and honesty of the judicatory, and then we are at once beyond all Christian redress or regulation.

Another difficulty is with the churches that have their standing on the Plan of Union. They are to stand in the United Body as they now stand in the New School Body. They are, however, to be counseled, and expected to become thoroughly Presbyterian. So far there is no apprehension of complaint. But they are to be counseled and expected to do this "as early, within the period of five years, as is permitted by the highest interests to be consulted;" and in this there is fear of injury. Why specify five years? The inference prompted by the fear is, that such churches, remaining after the five years' counseling, are to be excluded. But such inference is wholly gratuitous. The five years is put to give earnestness to the counsel and definiteness to the expectation. Counsel to become thoroughly Presbyterian, and expectation that it will so be at a period running beyond five years, would be weakness. If this cannot be gained within that time, both counsel and expectation may there cease. This is as long as self-respect in the counselor will allow of his working and waiting.

But what if all this fails, and some of these churches stand still on the old Plan of Union? The answer is, that though the inviolable agreement still allows them the same standing in the United Body, yet that no more such churches are to be organized, and these few will not greatly trouble us, nor will they probably long desire to maintain their partial connection with the Presbyterian Church.

One other source of apprehended difficulty only need now be mentioned. It is in the expressed agreement "that the Presbyteries possess

the right to examine Ministers applying for admission from" another Presbytery. The position from which the objection comes is that the Presbyterian Church is a confederate body, and the confederacy is a unit, and membership in one place, with fair paper of transfer, confers the right of membership in all places in the confederacy. This is doubtless safe practice and principle in all ordinary cases. But extremities become often necessities.

And now, suppose we take this doctrine of previous examination in cases of last extremities, or even suppose it to be held as very commonly allowable, what danger of oppression is there? Let the examination be as common or as rigid as it may, the judicatory can do nothing against the man who is still within the pale of orthodoxy, according to the allowance of the old body with which he is in sympathy. The united Church is to fellowship the orthodoxy of both the present Churches.

Considerations like these induce your Committee to the conviction that, if the "Terms and Recommendations" are not all that one would wish, and even in some things are what one would wish they were not, yet, at the worst, they are not open to an oppressive or a dangerous use. There is a defence erected over which nothing but dishonesty can come to work us harm. The blessing of union, so accomplished, need not be feared as if about to be counterbalanced by coming injuries.

But on the other hand, your Committee are convinced that there is not only danger of losing the possibility of Reunion, but of incurring very hazardous and perhaps ruinous results if the action be longer delayed. Should modifications be proposed, or conditions and new explanations be voted by ourselves, besides the certain distrust and jealousy promoted, there will inevitably be the meeting of this by counter-modifications, conditions, and explanations, and we shall run at once into the temper and spirit of theological controversy. The heart of brotherly unity will be wounded, alienated, and abandoned by both sides.

Should we determine to postpone action till another year, many of the churches will not delay. They will come together desultorily and more or less disorderly. Others will seek other connections, and confusion and disintegration will in wide regions ensue. The conviction of the importance of Reunion and the hope of its possession have been stricken too deeply into the heart of the churches to be now checked in safety. Even with much doubt of the wisdom of some of the "Terms and Recommendations," your Committee deem it best that the matter go down to the Presbyteries for their decision. Divisions and alienations among ourselves will be best precluded by letting the grand issue be at once decided.—1868, pp. 38–41, N. S.

25. Subsequently to the action of the O. S. Assembly approving of the proposed plan—

a. Dr. Monfort moved the following as an addition to the action of the Assembly on this subject, and it was adopted.

Resolved, 4. While the Assembly has approved of the report of the Joint Committee on Reunion, it expresses its preference for a change in the first item in the basis, leaving out the following words, viz., "It being understood that the Confession is received in its historical—that is, the Calvinistic or Reformed sense. It is also understood that various methods of viewing, stating, explaining and illustrating the doctrines of the Confession, which do not impair the integrity of the Reformed or Calvinistic system, are to be freely allowed in the united Church, as they have hitherto been in the separate churches." The Assembly believes that, by

omitting these clauses, the basis will be more simple and more expressive of mutual confidence, and the Permanent Clerk is directed to telegraph this proposed amendment to the Assembly at Harrisburg, and if that Assembly shall concur in the amendment, it shall become of effect as the action of this Assembly also.

The Assembly also appoints the Rev. C. C. Beatty, D. D., Rev. V. D. Reed, D. D., and ruling elders Robert Carter and Henry Day, a Committee to proceed at once to Harrisburg and personally to lay this action before the other Assembly.—1868, p. 631, O. S.

This Committee proceeded to Harrisburg, and after conference the following paper was adopted by the N. S. Assembly, viz.:

b. The Assembly has heard with profound satisfaction, and reciprocates with cordial fellowship, the statement of the Delegation from the General Assembly at Albany about the plan of Reunion.

In respect, however, to the proposition for a change in Article 1st, as our Assembly is on the eve of an adjournment and greatly reduced in numbers—

Resolved, That we regret that no action can now be had upon this subject, as it cannot, according to our rules, be reconsidered and amended at the present sessions of the assembly; nor can the proposed amendment be now sent down to our Presbyteries in such a form as that its adoption would be of any legal effect.

Resolved, That the Committee of Fifteen on Reunion be continued, and that the other Assembly be requested to appoint a similar Committee, to co-operate with this, in furnishing such information as they may deem best to the churches, in order to secure intelligent action on the subject of Reunion.—1868, p. 59, N. S.

26. [In the Assembly, O. S.]

"The Committee to prepare an answer to the protest of Dr. E. P. Humphrey and others, reported an answer, which was read and adopted, and ordered to be entered on the Minutes. The Protest and Answer are as follows.

a. PROTEST.

The undersigned respectfully request that the following protest be entered upon the Minutes of the Assembly.

We do not now protest against the reunion of the two branches of our Church; nor against the measures inaugurated for the accomplishment of that object, but simply against the Terms of Union approved by the Assembly, and its action in relation to them.

The first article of the plan proposes that "the Reunion shall be effected on the doctrinal and ecclesiastical basis of our common standards," . . . "it being understood that various methods of viewing, stating, explaining, and illustrating the doctrines of the Confession, which do not impair the integrity of the Reformed or Calvinistic system, are to be freely allowed in the united Church as they have been hitherto allowed in the separate churches."

Under this term of the compact, we shall be bound to allow all those forms of doctrine which the New School Church has hitherto allowed.

This interpretation, the article in question will, in our judgment, fairly admit, it is so interpreted by the other party to the contract; and it is so understood by the public.

We protest against its adoption, first, because it utterly unsettles our standard of doctrine. That standard ceases to be the system of doctrine contained in our Confession, but that system as interpreted by the New School Church in their past history. Secondly, because that article binds us to approve of doctrines which our General Assembly has formally condemned.

We distinctly disavow any intention of imputing error in doctrine to the mass of our New School brethren. With equal distinctness and earnestness we disavow any impeachment of their sincerity or integrity. We only say that they regard as con-

sistent with our standards, forms of doctrine which our branch of the Church has officially, earnestly, and constantly condemned. What those are, may be learned by a reference to the Minutes of the Assembly of 1837, by which they were condemned.

Some of the more important of the errors there specified or implied are:

1. The denial of original righteousness. It is assumed that moral character presupposes moral conduct, and therefore, that there can be no moral character prior to moral action; consequently it cannot be true that man was created after the image of God, in knowledge, righteousness, and holiness.

2. As it regards our relation to our first parents, it is denied that there was any covenant made with Adam; that all mankind descending from him by ordinary generation, sinned in him, and fell with him in his first transgression. On the contrary, it is maintained that every man stands or falls for himself.

3. As to original sin, while it may be admitted that men are depraved by nature, and come into the world with a bias to sin, it is denied that there is anything of the nature of sin, or any desert of condemnation, until there is the personal and voluntary violation of known law. On this subject our standards teach, in accordance with the Scriptures, and with the faith of every historical church in Christendom, that the inherent, hereditary corruption of nature derived from Adam is truly and properly sin. This great doctrine is the foundation of the whole plan of redemption, and is professed and symbolized in every act of infant baptism.

4. In reference to the inability of sinners, it is taught that the distinction between moral, natural, and gracious ability is worthless. Inability of any kind is inconsistent with moral obligation.

5. It is taught that regeneration is the sinner's own act. It consists either in the change of his governing purpose, or in the choice of God, instead of the world, as the source of happiness. It is not the act of God, because God cannot effectually control the acts of free agents. He cannot prevent sin, or the present amount of sin, in a moral system. He can enlighten, persuade, and remonstrate; he can use all the means of moral suasion; but he cannot efficaciously or certainly determine the will. He, in fact, does all he can do (consistently with their liberty) to convert all who hear the gospel. This is in direct contradiction to the Scriptures and to our standards, which teach that regeneration is effected by the mighty power of God, analogous to the power which he wrought in Christ, when he raised him from the dead, and therefore, that the action of the Spirit in regeneration is sovereign, certainly efficacious, and irresistible.

6. Election to life is not founded on the mere good pleasure of God. He elects those whom he foresees he can persuade to repent and believe.

7. While it is admitted that the work of Christ may be called a satisfaction to the law and justice of God, if by justice we understand a benevolent regard to the intents of his moral government, it is denied that it was a satisfaction to distributive or vindicatory justice. It is denied that his sufferings were penal, or vicarious in the established sense of that word, securing the salvation of none, but simply rendering the salvation of some possible. They were not judicially inflicted, so that those to whom the merit of his obedience and death is imputed, are free from the demands of justice and become righteous in the sight of the law.

8. Justification, according to our standards, is an act of God's free grace, wherein he pardons all our sins, and accepts us as righteous in his sight, only for the righteousness of Christ imputed to us and received by faith alone. This is denied. In what is called justification, nothing more occurs than when the executive pardons a criminal, and that criminal is restored to his civil rights. He is not declared just. There is no imputation to him of righteousness. There is no pretence that he has satisfied the demands of the law. This error, therefore, involves the denial of the essential idea of justification as presented in our standards.

We are far from believing or insinuating that these doctrines are generally approved by the New School Church. We have no doubt they are repudiated by many in that Church, as sincerely as they are by us. But they are allowed by them, as consistent with the system of doctrine contained in our Confession. This fact is notorious. It is confessed and avowed. These doctrines have been for years, matters of public discussion. They have been taught in some of the Theological Seminaries of our land. Students from those Seminaries, professing these errors, are freely admitted into the New School Presbyteries. Men of the highest eminence in the other branch of the Church, teach them publicly from the pulpit and the press. They are contained, more or less of them, and some of the most serious, in books and tracts issued by the Publication Committee of the New School body. They are openly avowed in some of the periodicals sustained by the ministers of that Church, and apologized for by others. These are not matters of speculation belonging to the

Schools, but concern doctrines taught in the catechism, and presumed to be known even by the children of the Church.

There are other points in the proposed terms of union, to which we have strong objection, which, out of regard to the pressure on the time of the Assembly, we abstain from mentioning. There are two provisions of the plan, however, which we cannot overlook. In the eighth article it is provided, that publications of the New School Committee of Publication "shall continue to be issued as at present," until otherwise ordered.

Although the whole Church cannot be justly held responsible for all the works issued by its Board, it becomes thus responsible when it deliberately sanctions their publication. Believing, as we do, that there are books published by the New School Committee, containing doctrines inconsistent with our Confession, we are constrained to protest against the sanction given to their publication.

Again, in article fourth, it is provided that, "no rule or precedent, which does not stand approved by both bodies, shall be considered of any authority, until re-established in the united body, except in so far as such rule or precedent may affect the rights of property founded thereon." This unsettles to an indefinite degree our past acts and deliverances. It is well known as one of the characteristic differences between the two bodies, that the one holds a much higher doctrine as to the prerogatives of church judicatories, than the other. The Congregational element, which, from the beginning, has so largely pervaded the New School branch, has naturally led our brethren in that branch to resist, in many cases, the exercise of powers which Old School men believe to belong, by Divine right, to the courts of the Church, and especially to the General Assembly. This being the case, we know not to what extent we are renouncing our Presbyterian principles in the adoption of that article.

We respectfully protest not only against the terms of union as they have been adopted by this house, but also against the action of the Assembly in regard to them.

In our view the parties to this negotiation for Reunion are the two General Assemblies. They were to endeavor to agree on the terms of union, and when agreed, to send them down to their respective Presbyteries. It cannot be supposed that our General Assembly intended so to tie its own hands, or so to strip itself of its most important prerogatives, as to commit to any ten or fifteen men the work of deciding on what terms a union, confessedly so momentous in its consequences, should be consummated; reserving to the Assembly the poor prerogative of adopting those terms as a whole, or of rejecting them as a whole. The duty of the Joint Committee, in our judgment, was simply to confer among themselves as to the terms of union, and when agreed, to refer them to the two Assemblies for those bodies to consider, to modify, to adopt some and not others, or to approve or reject the whole. In this way a basis mutually acceptable might have been intelligently adopted. Now we are in the dark. These terms admit of a two-fold construction. This Assembly may, and probably does, put one interpretation upon them; and the New School Assembly an opposite one. Thus, if this plan be carried through, we shall be hurried into a union with cross purposes, which must inevitably result in the renewal of our former troubles.

Instead of the Assembly taking this view of the case, no modification of the proposed terms was allowed. Amendment after amendment, to the number of six or eight, was summarily laid on the table without debate. These amendments were not offered in a factious spirit, or with the design of preventing Reunion, but with the honest purpose of putting the terms into a form in which, with a good conscience, they could be adopted by the Presbyteries which we represent.

We regard this as a wrong done to the ministry, and a much more serious wrong to the churches.

Under this head we specially protest against the laying the first amendment offered by the Rev. Dr. Humphrey upon the table without consideration. That amendment simply provided for fidelity to our former testimony against false doctrines. The action of the Assembly, however intended, we regard as a virtual renunciation of our former status, and as committing the Church, contrary to the Constitution which is and must continue to be binding on our conscience, to recognize as orthodox the errors which it has hitherto condemned.

Grateful to God for the Christian spirit which, notwithstanding our conscientious differences, has characterized our deliberations, we submit with all deference this our protest to the judgment of the Assembly and of the churches.

J. I. Landes, H. S. Morrison, T. S. C. Smith, Moses Hyde, Daniel C. Wisner, Joseph Peirce, William T. Carr, A. A. Hodge, Owen Riedy, D. W. Woods, S. T. Thompson, J. S. Clayton, William T. Hendren, Henry Fulton, Charles E. Vail, James V. A. Shields, George Junkin, Jr., John Chester, E. L. Belden, H. N. Brins-

made, Edward P. Humphrey, Charles Hodge, R. J. Breckinridge, John C. Backus, H. L. Doolittle, George Hill, Robert Carothers, R. M. Wallace, James F. Kennedy, Asahel Munsen, George J. Reed, Alexander Rankin, Benjamin F. Avery, Samuel Wherritt, Charles Crosby, Samuel Fisher, S. J. Milliken, James M. Shields, J. C. Barr, J. A. Neil, J. M. Reid, John C. Rhea, Watson Russell, John K. Findlay, L. P. Stone, William Rankin, Jr., A. Van der Lippe, J. R. Findley, Charles G. Milnor, L. J. Halsey, Eliphalet Wood, E. B. Miller, Adam Craig, J. A. Cornelison, William B. Canfield, Robert Scott, F. B. Hodge, James Smith.

b. ANSWER TO THE PROTEST.

In reply to the Protest against its action on the Terms of Union, the Assembly observes:

The authors of the Protest first speak of a series of doctrinal errors and heresies, which may be concisely stated as follows: (1.) There is no moral character in man prior to moral action, and therefore man was not created holy. (2.) There was no covenant made with Adam, his posterity did not fall with him, and every man stands or falls for himself. (3.) Original sin is not truly and properly sin bringing condemnation, but only an innocent tendency leading to actual transgression. (4.) Inability of any and every kind is inconsistent with moral obligation. (5.) Regeneration is the sinner's own act, and consists in the change of his governing purpose. (6.) God cannot control the acts of free agents, and therefore cannot prevent sin in a moral system. (7.) Election is founded upon God's foreknowledge that the sinner will repent and believe. (8.) The sufferings of Christ are not penal, and do not satisfy retributive justice. (9.) Justification is pardon merely, and does not include restoration to favor and acceptance as righteous.

These doctrinal errors the authors of the Protest are careful to say are repudiated by the great mass of the New School Church. They say that "they are far from believing or insinuating that these doctrines are generally approved by the New School Church"—that "they do not impute these errors to a majority, or to any definite proportion of our New School brethren."

The charge that is made in this Protest, and the only charge made in this reference, is, that while the other branch of the Presbyterian Church repudiate these doctrines for themselves, they at the same time hold that they are *consistent with the Calvinism of the Confession of Faith.* The authors of the Protest allege that it is the judgment of the New School body that a person can logically and consistently accept the Westminster symbol and these nine or ten Pelagian and Arminian tenets at one and the same time. This is the substance of their charge.

The Assembly pronounces this allegation to be without foundation, because:

1. Such a position, if taken by the New School Church, or by any church whatsoever, would simply be self-stultifying and absurd. That a great religious denomination, which from the beginning of its organization in 1837, down to the present time, has held up the Westminster Confession as its symbol, has compelled every one of its ministers and elders to subscribe to that symbol, and has received its membership into church communion upon professing faith in the doctrines of that symbol; that an ecclesiastical body which has thus stood before the other churches of this and other lands as a *Calvinistic* body, and has been reckoned and recognized as such, should at the same time be jealous in behalf of the distinguishing doctrines of Pelagianism and Arminianism, and insist that these latter are *consistent* with the former, and are to be tolerated in a Calvinistic body, is too much for human belief. The entire history of the Church does not present such a phenomenon as that of a denomination adopting before the world a definite type of doctrine, and at the same time claiming that exactly the contrary type of doctrine is compatible with it, and must be tolerated within its communion. If the New School Church are really doing what the signers of this Protest allege they are, then their position before the churches and the world would be as absurd as would have been the position of the Nicene Church if, at the very time that it adopted and defended the Trinitarianism of Athanasius, it had insisted that the tenets of Arius or those of the Humanitarians were consistent with those of the great father of orthodoxy, and must be allowed in the catholic Church. The human mind, even in its natural condition, never did work in this manner, and never will; and still less will the human mind, when renewed and sanctified by divine grace, be guilty of such a palpable inconsistency.

2. These very errors, charged by the signers of the Protest as allowed by the New School Presbyterians, have already been distinctly repudiated by them. The Auburn Convention, held in 1837 under the influence and doctrinal guidance of that excellent and sound divine, the late Dr. Richards, specified sixteen doctrinal errors, which

contain the very same latitudinarian and heretical tenets mentioned in the Protest, rejected them *in toto* and set over against them sixteen "true doctrines," which embrace all the fundamentals of the Calvinistic creed. This Assembly regards the "Auburn Declaration" as an authoritative statement of the New School type of Calvinism, and as indicating how far they desire to go, and how much liberty they wish in regard to what the Terms of Union call "the various modes of explaining, illustrating, and stating" the Calvinistic faith. We believe that a large number of our New School brethren would prefer the modes of "explaining and illustrating" the tenets of Calvinism which are employed by the authors of this Protest themselves, and the other portions of the body claim only that degree of variation from these modes which would be represented by the theology of Richards and the Auburn Declaration.

The Assembly is fully satisfied that any instances of laxity of doctrine among the New School which have been exhibited, are exceptional cases, and that the great body of the other Church sincerely and firmly stand upon the basis of our common standards. The many disclaimers of the unsound views charged, and declarations that the standards are received as by us, which have been made by distinguished and representative men, and in the periodicals of the New School Church, leave no room to doubt that the interests of sound doctrine will be safe in the united Church.

4. That the allegation of this Protest is unfounded is proven by the fact that the New School Church have adopted, by a unanimous vote, the Basis of Doctrine presented by the Joint Committee. Whatever may be the preferences and opinions of individuals respecting particular clauses in the first article in this basis, this General Assembly holds and affirms that it not only commits, but *binds* any ecclesiastical body that should receive it to pure and genuine Calvinism. It will be so understood by all the world. For it expressly lays down the Westminster symbol as the doctrinal platform, and expressly requires that no doctrine shall be taught that is not Calvinistic in the old, ancestral, "historical" meaning of this term, or that "impairs the integrity" of the Calvinistic system. We affirm that there is not a man upon the globe, possessed of a sane mind, and acquainted with the subject of doctrine, who would assert that the list of errors and heresies mentioned by the signers of this Protest is "Calvinistic" in the accepted and historical signification of the term, or that their reception would not impair the integrity of the Calvinistic system.

And it must be distinctly observed that if any doctrines had been hitherto allowed by the New School body which "impair the integrity of the Calvinistic system," they are not to be allowed in the united Church under the terms of union. Such doctrines are condemned, and any one who may teach them will be subject to discipline. It is the testimony of some of the protesters themselves that the great body of the New School are sound in doctrine; our own body being the large majority in the union, when fortified by the accession of the great body of sound men in the other, will establish and confirm the testimony of the Church to the truth; will preserve it, by God's help, from error, and maintain intact, while it extends, the purifying and saving power of our venerated Confession.

5. The errors and heresies alleged in the Protest are combated and refuted in the Theological Seminaries of the New School.

Such Seminaries, in any denomination, are important exponents of its doctrinal position and character. The Assembly knows that in the three Seminaries of our New School brethren, Westminster Calvinism is fully and firmly taught. The Professors in these are obliged to subscribe the Westminster Confession, and heretical teaching throws the Professor out of his chair by the very constitution of these Seminaries. The Assembly notices this point particularly, because the authors of the Protest assert that the doctrinal errors specified by them "have been taught in some of the Theological Seminaries *of our land*." This is not the proper manner in which to affix so grave and damaging a stigma upon our New School Presbyterian brethren. The authors of this Protest ought to have made this allegation, not in the way of insinuation, but by distinct assertion and proof. Many things are "taught in the Theological Seminaries *of our land*," which are not taught in the *Presbyterian* Seminaries of the land, either New School or Old.

6. The Protest alleges it to be a "notorious fact" that the New School Church insists that the heresies mentioned are compatible with Calvinism. If the alleged fact had been so "notorious," as the Protest affirms, it would certainly have been known to this Assembly, and would have made it simply impossible to have secured for the Basis of the Joint Committee, or for any other conceivable basis, any favorable consideration. The idea of reunion would not have been entertained for a moment.

Furthermore, this Assembly emphatically holds up to the Church and to the world, that it receives into its ministry and membership those who adopt "the system of

doctrine taught in our Confession," and that it never has held, and does not now hold, that its ministers or members shall "view, state, or explain" that system in any other than the words of the Holy Scriptures and our standards; and to show that this is the sentiment not only of the Assembly, but of the protesters themselves also, the Assembly here cites the testimony of one of the signers of the Protest, whose words have been referred to in the discussions just closed. Says Dr. Hodge:

"If a man comes to us, and says he adopts 'the system of doctrine' taught in our Confession, we have a right to ask him, 'Do you believe there are three persons in the Godhead—the Father, the Son, and the Holy Ghost—and that these three are one God, the same in substance, equal in power and glory?' If he says, Yes, we are satisfied. We do not call upon him to explain *how* three persons are one God, or to determine what relations in the awful mysteries of the Godhead are indicated by the terms Father, Son, and Holy Ghost. If we ask, Do you believe that 'God created man male and female, after his own image, in knowledge, righteousness and holiness, with dominion over the creatures?' and he answers, Yes, we are satisfied. If he says he believes that 'the covenant being made with Adam, not only for himself, but for his posterity, all mankind descending from him by ordinary generation, sinned in him, and fell with him, in his first transgression,' we are satisfied. If he says that he believes that 'the sinfulness of that estate whereinto man fell consists in the guilt of Adam's first sin, the want of original righteousness, and the corruption of his whole nature, which is commonly called original sin, together with all actual transgressions which proceed from it,' *we are satisfied.* If he says, 'Christ executes the office of a priest in his once offering himself a sacrifice to satisfy Divine justice, and reconcile us to God, and in making continual intercession for us;' we are satisfied. If he says he believes justification to be 'an act of God's free grace, wherein he pardoneth all our sins, and accepteth us as righteous in his sight, only for the righteousness of Christ imputed to us, and received by faith alone,' we are satisfied. Is not this what is meant when a man says he adopts our 'system of doctrine'? Is not this —nothing more and nothing less—that which we are authorized and bound to require? God grant that we may unite on terms so simple, so reasonable, and, I must hope, so satisfactory to every sincere, humble, Christian brother."—(*Remarks of the Rev. Charles Hodge, D. D., in the Philadelphia Convention.*)

The Assembly cannot enlarge the basis beyond the platform of God's truth as stated in our standards, and it would not narrow the basis by taking one tittle from the form of sound words therein contained. We declare our willingness to unite with all those who profess their faith in the Lord Jesus Christ, and their adoption of "the Confession of Faith and Form of Government" of our beloved Church.

The protesters object to the eighth item of the Basis, because it makes the united Church responsible for the publications of the New School Committee. This is a misapprehension. The publications of the New School Committee and our Board are to be issued as now, with the imprint of each, until the new Board shall prepare a new catalogue, for which alone the united Church will be responsible.

Again, the protesters object to the fourth article as unsettling past acts of our Church. This is a matter of necessity where the action of the two bodies differs. It is believed, however, that except in the case of the imperative clause of the examination rule of 1837, no important difference can be found. If it is otherwise, the united Church is the proper body to establish its own usages. We do not believe that our brethren of the New School Church have now any sympathy with Congregational views of government, or any objection to usages that are strictly Presbyterian.

The various amendments proposed by the protesters were laid on the table, not because they were contrary to the sentiment of the Assembly, but because, under the circumstances, it was not possible to engraft them upon the terms of the union, and, in the judgment of the Assembly, they were not essential to the integrity of the Calvinistic basis on which the union is to be effected.

Wm. G. T. Shedd, J. G. Monfort, S. Irenæus Prime, H. H. Leavitt, Robert McKnight, *Committee.*—1869, pp. 658–665, O. S.

27. Answer of the Presbyteries to overtures on Reunion.

To the overtures on Reunion, the following answers were received, as reported by the Stated Clerks of the two Assemblies, respectively, viz.:

a. Of the Old School.

One hundred and forty-three Presbyteries have been entitled to vote on the overtures sent down by the last General Assembly. Three fourths

of these, required in the terms of the Basis for Reunion, must be one hundred and eight. The whole number of answers received, according to the constitutional mode of sending them up, is one hundred and ten. These are almost as much diversified in form as in number; and in many instances, the same Presbytery has sent two or three answers, unlike each other, if not irreconcilable, indicating an unsettled and fluctuating judgment, which is, probably, without a parallel in the history of our Church. Often, also, the particular vote is reported revealing a large minority; in some instances almost equal to the majority itself.

Although the mass of the returns would seem to defy analysis, the following attempt to classify them is respectfully submitted, as near enough, perhaps, to satisfy the purpose of the Assembly:

Thirty-eight Presbyteries have approved of the Basis; but all of them, with only one exception—Susquehanna—express, also, either willingness or preference for union on the Standards alone. They are Albany, Allegheny, Allegheny City, Buffalo City, Chicago, Chillicothe, Cincinnati, Columbus, Connecticut, Crawfordsville, Des Moines, Erie, Findlay, Holston, Kaskaskia, Londonderry, Luzerne, Madison, Marion, Miami, Michigan, Missouri River, Muhlenberg, Muncie, Nashville, Neosho, New Albany, Raritan, Sidney, Southwest Missouri, Steubenville, Stockton, Susquehanna, Topeka, Troy, Vinton, White Water, and Wooster.

Against the Basis are, first, those that make exception to it while otherwise approving; the exception being generally to the qualifying clauses in the first article. These are, Carlisle, Corisco, Elizabethtown, Fairfield, Logansport, New Orleans, New York Second, Oxford, Peoria, Richland, Saltsburg, Schuyler, Western Reserve, and West Virginia; *fourteen* in number.

The next class are those Presbyteries which reject the Basis with formal expression, as a whole; and indicate, in some one of many different ways, a willingness or desire to unite on the basis of the Standards alone, in doctrine, polity, and worship, without qualification. They are, Benicia, Blairsville, Bloomington, Bureau, Burlington, Chippewa, Clarion, Donegal, Dubuque, Ebenezer, Frankville, Fort Wayne, Highland, Huntingdon, Lafayette, Leavenworth, Maumee, Monmouth, Nassau, New Brunswick, New Castle, New Lisbon, Newton, New York, North River, Northumberland, Ohio, Oregon, Passaic, Philadelphia, Philadelphia Central, Philadelphia Second, Potosi, Rochester City, Santa Fe, St. Clairsville, St. Louis, Siam, Vincennes, Warren, Washington, West Jersey, and Winnebago; *forty-three* in number.

The third classification against the Basis consists of Presbyteries that express no wish for Union, at present, on any specified Basis; but with much variety, also, in the greater or less unwillingness indicated. These are, Concord, Dane, Genesee River, Hudson, Iowa, Lewes, Lodiana, Long Island, Louisville, Paducah, Potomac, Transylvania, Upper Missouri, West Lexington, and Zaneville; *fifteen* in number.

If we count against it, also, the thirty-three Presbyteries which have not answered regularly at all, there is an aggregate of *one hundred and five* in rejecting the Basis; the great majority of these, however, indicating plainly a desire for Reunion, on terms that will not override the Confession of Faith with any special stipulations.

Another peculiarity in most of these answers is, deliverance on a question which was not sent down to the Presbyteries at all, by the General Assembly, viz., Whether the General Assembly should be authorized to consummate Reunion with the other Branch on a different basis from that which was overtured, without sending this also down to the Presbyteries?

This different basis, though mentioned with great variety of formula, is the Standards of the Presbyterian Church, without qualification. The Presbyteries favoring immediate consummation by the General Assembly are not agreed among themselves that the Assembly really has this power, and many of them submit the question doubtfully and conditionally. They are the following, viz., Albany, Buffalo City, Chicago, Chillicothe, Cincinnati, Connecticut, Des Moines, Dubuque, Erie, Highland, Lafayette, Leavenworth, Luzerne, Madison, Marion, Maumee, Miami, Missouri River, Monmouth, Muhlenberg, Nassau, Neosho, New Lisbon, New Orleans, New York, New York Second, Ohio, Peoria, Philadelphia Central, Raritan, Richland, Schuyler, Sidney, Southwest Missouri, Steubenville, Topeka, Vinton, Warren, Washington, West Jersey, and Wooster; *forty-one* in number.

But against such consummation the following Presbyteries have declared themselves; some of them, because it is inexpedient, and others, with solemn protest, because it is unconstitutional. They are, Blairsville, Bloomington, Bureau, Burlington, Concord, Dane, Donegal, Ebenezer, Genesee River, Hudson, Huntingdon, Iowa, Lewes, Louisville, Michigan, New Brunswick, New Castle, Newton, North River, Northumberland, Paducah, Philadelphia, Potomac, Potosi, St. Clairsville, Transylvania, Western Reserve, West Lexington, Winnebago, and Zanesville; *thirty* in number.

Adding to these the Presbyteries which are silent on the subject, whether answering or not the overture sent down, we have an aggregate against consummation by the General Assembly itself of *one hundred and three.*

Another deliverance, on a question not overtured by the Assembly, is made by *seven* Presbyteries, to the effect that they are willing to dispense with the tenth article of the Basis, respecting the right of examination, for the sake of consummating the Reunion. These are, Allegheny City, Cincinnati, Kaskaskia, Miami, Nashville, Washington, and Wooster.—1869, pp. 947, 948, O. S.

b. Of the New School.

The Special Committee appointed to collate the answers of the Presbyteries to the Overture on the subject of Reunion sent down to them by order of the last Assembly, respectfully report: That the following Presbyteries have expressed their approval, giving their consent to the Reunion of the two branches of the Presbyterian Church in the United States, on the basis proposed by the Joint Committee of thirty, and approved by the two Assemblies meeting in May, 1868, respectively, in Albany, N. Y., and Harrisburg, Pa., viz.:—Champlain, Troy, Albany, Columbia, Catskill, St. Lawrence, Watertown, Oswego, Utica, Onondaga, Cayuga, Cortland, Tioga, Geneva, Steuben, Chemung, Ithaca, Wellsborough, Lyons, Otsego, Chenango, Delaware, Buffalo, Ontario, Rochester, Genesee, Niagara, Genesee Valley, Hudson, North River, Long Island, New York 3d, New York 4th, Brooklyn, Newark, Rockaway, Montrose, Wilmington, Philadelphia 3d, Philadelphia 4th, Harrisburg, Erie, Meadville, Pittsburg, Monroe, Marshall, Kalamazoo, Coldwater, Lansing, Grand River, Huron, Trumbull, Cleveland and Portage, Athens, Pataskala, Franklin, Scioto, Cincinnati, Ripley, Dayton, Hamilton, Salem, Madison, Indianapolis, Green Castle, Crawfordsville, St. Joseph, Logansport, Fort Wayne, Illinois, Schuyler, Wabash, Alton, Ottawa, Knox, Bloomington, Milwaukie, Fox River, Columbus, Lake Superior, Des Moines, Keokuk,

Iowa City, Dubuque, Cedar Rapids, Omaha, Mankato, Minnesota, Dakota, St. Louis, Osage, Lexington, Kansas, Union, Holston, San Francisco, Northern Missouri, Nevada, San José, and Humboldt. In all 100.

The following Presbyteries have answered the overture in the negative: District of Columbia, Detroit, Washtenaw, Chicago.—4.

The Committee also report, for the information of the Assembly, the action of its Presbyteries on the general subject of Reunion in the following particulars: First, the Presbyteries assenting to the amending of the Basis by the omission, first, of that part of the Basis in the first article which begins with the words "it being understood," and ends with the words "in the separate churches;" and, second, of the whole of the tenth article; are as follows: Troy, Albany, Columbia, Watertown, Utica, Onondaga, Cayuga, Cortland, Geneva, Chemung, Wellsborough, Tioga, Otsego, Ontario, Rochester, Genesee, Genesee Valley, Hudson, North River, Long Island, New York 3d, New York 4th, Brooklyn, Newark, Montrose, Philadelphia 4th, Harrisburg, District of Columbia, Erie, Detroit, Monroe, Marshall, Saginaw, Lansing, Grand River, Huron, Trumbull, Cleveland and Portage, Maumee, Athens, Pataskala, Franklin, Scioto, Cincinnati, Ripley, Dayton, Salem, Indianapolis, Green Castle, Crawfordsville, St. Joseph, Logansport, Fort Wayne, Illinois, Schuyler, Wabash, Ottawa, Knox, Chicago, Bloomington, Fox River, Lake Superior, Des Moines, Mankato, Minnesota, Winona, Dakota, St. Louis, Lexington, Chariton, Cedar Rapids, Belvidere, San José, Humboldt, Holston.—75. The Presbyteries expressing their dissent to these proposed amendments of the Basis are: Catskill, Pittsburg, Dubuque.—3.

The following Presbyteries express rather a preference or a willingness to have the Reunion accomplished upon the simple Basis of the standards: Genesee Valley, Wilmington, Meadville, Pataskala, Rochester, Niagara, Huron, Cincinnati, Dayton, Hamilton, Columbus, Kansas, Chariton, Chenango.—14.

The Presbyteries of Scioto, Logansport, Ottawa, Lyons, and Northern Missouri add to this expression of their willingness to have the Reunion thus accomplished, the condition that three-fourths "of the Presbyteries assent."

The following Presbyteries express a desire that the General Assembly should consummate this Reunion without again referring the proposed Basis of it to them, and in their own language empower and authorize the Assembly so to do: Champlain, Troy, Albany, St. Lawrence, Watertown, Oswego, Cayuga, Otsego, Buffalo, North River, Detroit, Grand River Valley, Athens, Ripley, Madison, Wabash, Keokuk, Mankato, St. Louis, Humboldt, Winona, Steuben, Knox, Iowa City, Galena, and Belvidere.—26.

The Presbyteries of Philadelphia 4th and Pittsburg express their opposition to Reunion upon any basis that has not been specially approved by a majority of the Presbyteries of each class.

Several Presbyteries append to their action on this question certain conditions besides those already mentioned. These are as follows: The Presbytery of Knox, in assenting to the proposed amendment of the first article of the basis, add, "Provided all reasonable liberty in interpretation be not relinquished."

The Presbytery of Philadelphia 4th say, "It must, however, be well understood that, by agreeing to the omissions in question, the Presbytery do not relinquish nor deny the right to all reasonable liberty in the statement of views and the interpretation of the standards, not impairing the integrity of the Calvinistic system."

The Presbytery of Huron passed the following resolution:

Resolved, That we say to the General Assembly that in any case we shall always claim the right, according to the constitution of the Church and the Plan of Union, to deal with the Congregational churches now on our roll without interference from the higher judicatories of the Church.

The Presbytery of Maumee ask for certain specified changes in the second article of the basis, and would have it construed as directory and advisory, and not as imperative.

The Presbytery of Washtenaw, in replying negatively to the motion of the Assembly, express conviction that the first step in the negotiations for Reunion should be the repeal of the exscinding acts and the imperative rule in respect to Presbyterial examinations.—1869, pp. 259-261, N. S.

28. GENERAL ASSEMBLIES OF 1869, AT NEW YORK.

A NEW JOINT COMMITTEE APPOINTED.

a. [On the First day of the session.]

On motion of Dr. Musgrave, the following was unanimously adopted:

Resolved, That a Committee of Conference, consisting of five Ministers and five Ruling Elders, be appointed to confer with a similar Committee, if appointed by the other General Assembly now in session in this city, on the subject of the Reunion of the two branches of the Presbyterian Church; to report during the present sessions, and at as early a day as practicable, what further action, if any, should be taken on the subject.

The Moderator appointed as said Committee: *Ministers*—George W. Musgrave, D. D., A. G. Hall, D. D., L. H. Atwater, D. D., Willis Lord, D. D., and Henry R. Wilson, D. D. *Ruling Elders*—Robert Carter, J. C. Grier, Charles D. Drake, Henry Day, and William M. Francis.—1869, p. 890, O. S.

b. Resolved, That a Committee of five ministers and five elders be appointed to-morrow morning, by the Moderator, to confer with any like Committee of the Assembly of the other Branch, on the subject of Reunion.

Ministers.—William Adams, D. D., Robert W. Patterson, D. D., Samuel W. Fisher, D. D., LL. D., Jonathan F. Stearns, D. D., James B. Shaw, D. D. *Elders*—Hon. William Strong, Hon. Daniel Haines, Hon. William E. Dodge, Hon. Jacob S. Farrand, Hon. John L. Knight.—1869, pp. 252-257, N. S.

29. The following Report of the Joint Committee was presented in both Assemblies.

The Committee of Conference appointed by the two General Assemblies has attended to the duty assigned to it; and after a very free interchange of views, with prayer to Almighty God for his guidance, is unanimous in recommending to the Assemblies for their consideration, and, if they see fit, their adoption, the accompanying three papers, to wit:

1. Plan of Reunion of the Presbyterian Church in the United States of America;
2. Concurrent Declarations of the General Assemblies of 1869; and
3. Recommendation of a Day of Prayer.

I. PLAN OF REUNION OF THE PRESBYTERIAN CHURCH IN THE UNITED STATES OF AMERICA.

Believing that the interests of the Redeemer's kingdom would be promoted by the healing of our divisions, and that the two bodies bearing the same name, having the same Constitution, and each recognizing the other

as a sound and orthodox body according to the principles of the Confession common to both, cannot be justified by any but the most imperative reasons in maintaining separate and, in some respects, rival organizations; we are now clearly of the opinion that the reunion of those bodies ought, as, soon as the necessary steps can be taken, to be accomplished, upon the Basis hereinafter set forth:

1. The Presbyterian Churches in the United States of America, namely, that whose General Assembly convened in the Brick Church in the city of New York, on the 20th day of May, 1869, and that whose General Assembly met in the Church of the Covenant in the said city, on the same day, shall be reunited as one Church, under the name and style of the Presbyterian Church in the United States of America, possessing all the legal and corporate rights and powers pertaining to the Church previous to the division in 1838, and all the legal and corporate rights and powers which the separate Churches now possess.

2. The reunion shall be effected on the doctrinal and ecclesiastical basis of our common Standards; the Scriptures of the Old and New Testaments shall be acknowledged to be the inspired word of God, and the only infallible rule of faith and practice; the Confession of Faith shall continue to be sincerely received and adopted as containing the system of doctrine taught in the Holy Scriptures; and the Government and Discipline of the Presbyterian Church in the United States shall be approved as containing the principles and rules of our polity.

3. Each of the said Assemblies shall submit the foregoing Basis to its Presbyteries, which shall be required to meet on or before the 15th day of October, 1869, to express their approval or disapproval of the same, by a categorical answer to the following question:

Do you approve of the reunion of the two bodies now claiming the name and rights of the Presbyterian Church in the United States of America, on the following basis, namely: "The reunion shall be effected on the doctrinal and ecclesiastical basis of our common Standards; the Scriptures of the Old and New Testaments shall be acknowledged to be the inspired word of God, and the only infallible rule of faith and practice; the Confession of Faith shall continue to be sincerely received and adopted as containing the system of doctrine taught in the Holy Scriptures; and the Government and Discipline of the Presbyterian Church in the United States shall be approved as containing the principles and rules of our polity?"

Each Presbytery shall, before the 1st day of November, 1869, forward to the Stated Clerk of the General Assembly with which it is connected, a statement of its vote on the said Basis of Reunion.

4. The said General Assemblies now sitting shall, after finishing their business, adjourn, to meet in the city of Pittsburg, Pennsylvania, on the second Wednesday of November, 1869, at eleven o'clock, A. M.

If the two General Assemblies shall then find and declare that the above-named Basis of Reunion has been approved by two-thirds of the Presbyteries connected with each branch of the Church, then the same shall be of binding force, and the two Assemblies shall take action accordingly.

5. The said General Assemblies shall then and there make provision for the meeting of the General Assembly of the United Church on the third Thursday of May, 1870. The Moderators of the two present Assemblies shall jointly preside at the said Assembly of 1870 until another moderator is chosen. The moderator of the Assembly now sitting at the Brick Church aforesaid, shall, if present, put all votes, and decide questions

of order; and the Moderator of the other Assembly shall, if present, preach the opening Sermon; and the Stated Clerks of the present Assemblies shall act as Stated Clerks of the Assembly of the united Church until a Stated Clerk or Clerks shall have been chosen thereby; and no Commissioner shall have a right to vote or deliberate in said Assembly until his name shall have been enrolled by the said Clerks, and his commission examined and filed among the papers of the Assembly.

6. Each Presbytery of the separate Churches shall be entitled to the same representation in the Assembly of the united Church in 1870 as it is entitled to in the Assembly with which it is now connected.

II. CONCURRENT DECLARATIONS OF THE GENERAL ASSEMBLIES OF 1869.

As there are matters pertaining to the interests of the Church when it shall have become reunited, which will manifestly require adjustment on the coming together of two bodies which have so long acted separately, and concerning some of which matters it is highly desirable that there should be a previous good understanding, the two Assemblies agree to adopt the following declarations, not as articles of compact or covenant, but as in their judgment proper and equitable arrangements, to wit:

1. All the ministers and churches embraced in the two bodies should be admitted to the same standing in the united body, which they may have held in their respective connections, up to the consummation of the union.

2. Imperfectly organized churches are counseled and expected to become thoroughly Presbyterian, as early within the period of five years as may be permitted by the highest interests to be consulted; and no other such churches shall be hereafter received.

3. The boundaries of the several Presbyteries and Synods should be adjusted by the General Assembly of the united Church.

4. The official records of the two Branches of the Church, for the period of separation, should be preserved and held as making up the one history of the Church; and no rule or precedent, which does not stand approved by both the bodies, should be of any authority, until re-established in the united body, except in so far as such rule or precedent may affect the rights of property founded thereon.

5. The corporate rights, now held by the two General Assemblies, and by their Boards and Committees, should, as far as practicable, be consolidated, and applied for their several objects, as defined by law.

6. There should be one set of Committees or Boards for Home and Foreign Missions, and the other religious enterprises of the Church; which the churches should be encouraged to sustain, though free to cast their contributions into other channels, if they desire to do so.

7. As soon as practicable after the union shall have been effected, the General Assembly should reconstruct and consolidate the several Permanent Committees and Boards, which now belong to the two Assemblies, so as to represent, as far as possible, with impartiality, the views and wishes of the two bodies constituting the united Church.

8. The publications of the Board of Publication and of the Publication Committee should continue to be issued as at present, leaving it to the Board of Publication of the united Church to revise these issues, and perfect a catalogue for the united Church so as to exclude invidious references to past controversies.

9. In order to a uniform system of ecclesiastical supervision, those

Theological Seminaries that are now under Assembly control may, if their Boards of Direction so elect, be transferred to the watch and care of one or more of the adjacent Synods; and the other Seminaries are advised to introduce, as far as may be, into their Constitutions, the principle of Synodical or Assembly supervision; in which case, they shall be entitled to an official recognition and approbation on the part of the General Assembly.

10. It should be regarded as the duty of all our judicatories, ministers, and people of the united Church, to study the things which make for peace, and to guard against all needless and offensive references to the causes that have divided us; and, in order to avoid the revival of past issues, by the continuance of any usage in either branch of the Church that has grown out of former conflicts, it is earnestly recommended to the lower judicatories of the Church that they conform their practice in relation to all such usages, as far as is consistent with their convictions of duty, to the general custom of the Church prior to the controversies that resulted in the separation.

III. RECOMMENDATION OF A DAY OF PRAYER.

That the counsels of infinite Wisdom may guide our decisions, and the blessings of the great Head of the Church rest upon the result of our efforts for Reunion, it is earnestly recommended to the churches throughout both branches of the Presbyterian Church, that they observe the second Sabbath in September, 1869, as a day of fervent and united prayer to Almighty God, that he would grant unto us all "the spirit of counsel and might, the spirit of knowledge and of the fear of the Lord," and, in the new relations now contemplated, enable us to "keep the unity of the Spirit in the bonds of peace."

30. [The foregoing report was adopted by the Old School Assembly, by a vote of yeas 285, nays 9 (p. 914); by the New School Assembly unanimously (p. 275), when—]

a. On motion of Ruling Elder Henry Day, it was

Resolved, That in pursuance of the foregoing action of this General Assembly, the Basis of Reunion now adopted be sent down to the Presbyteries for their approval or disapproval, and each Presbytery is hereby required to meet on or before the 15th day of October, 1869, to express its approval or disapproval of the same by a categorical answer to the following question:

Do you approve of the Reunion of the two bodies now claiming the name and rights of the Presbyterian Church in the United States of America, on the following Basis, viz.: "The Reunion shall be effected on the doctrinal and ecclesiastical Basis of our common standards; the Scriptures of the Old and New Testaments shall be acknowledged to be the inspired word of God, and the only infallible rule of faith and practice; the Confession of Faith shall continue to be sincerely received and adopted as containing the system of doctrine taught in the Holy Scriptures; and the Government and Discipline of the Presbyterian Church in the United States shall be approved as containing the principles and rules of our polity"?

Each Presbytery is also hereby required, before the first day of November, 1869, to forward to the Stated Clerk of this General Assembly a statement of its vote on the said Basis of Reunion.—1869, pp. 916, 917, O. S.

b. Resolved, That this Assembly does hereby submit to the Presbyteries in connection with it the Basis of Reunion adopted May 27, 1869;

and that the Presbyteries be required to meet on or before October 15th, 1869, to express their approval or disapproval of the same by a categorical answer to the following question:

Do you approve of the Reunion of the two bodies now claiming the name and rights of the Presbyterian Church in the United States of America, on the following Basis, namely: "The Reunion shall be effected on the doctrinal and ecclesiastical Basis of our common standards; the Scriptures of the Old and New Testaments shall be acknowledged to be the inspired word of God, and the only infallible rule of faith and practice; the Confession of Faith shall continue to be sincerely received and adopted as containing the system of doctrines taught in the Holy Scriptures; and the Government and Discipline of the Presbyterian Church in the United States shall be approved as containing the principles and rules of our polity"?

Resolved, That each Presbytery shall, before the first day of November, 1869, forward to the Stated Clerk of the General Assembly a statement of its vote on the said Basis of Reunion.—1869, p. 283, N. S.

[In accordance with the plan adopted above, the two Assemblies adjourned to meet in Pittsburg, Pa., Nov. 10, A. D. 1869, at 11 o'clock A. M., The one in the First Church, the other in the Third Church.]

31. Assemblies at Pittsburg, 1869.

a. The report of the Stated Clerk, Rev. A. T. McGill, D. D., on the vote of the Presbyteries, was read and amended, so as simply to give the result of the vote, after which it was adopted, and is as follows:

The Presbyteries in connection with this General Assembly have all reported, in writing, on the overture of Reunion, as ordered in the Brick Church, at New York, except the following eleven, viz., Austin, Corisco, Knox, Knoxville, Maury, Milwaukee, Ogdensburg, Shantung, Siam, Stockton, and Western Africa. The Stated Clerk of the Santa Fe Presbytery has reported by letter that it is impossible for this Presbytery to have a meeting, in present circumstances. The Presbyteries of Allahabad and Canton, being unable to meet within the time specified, have sent circulars, signed by a majority of each, to indicate the will of the Presbytery, in favor of Reunion, as now proposed; but these are not counted in declaring the result. Another Presbytery, Lahore, formed by the Synod of Northern India, in December last, but not regularly reported as yet by any officer of that Synod, has sent its answer to this Overture, in written form, and this has been counted, on the presumption that the Assembly will recognize, at this meeting, the existence of that Presbytery on the roll.

We have thus *one hundred and forty-four* Presbyteries. *One hundred and twenty-six* of these have answered the Overture sent down affirmatively, in writing. *Three*, viz., Hudson, Rio de Janeiro, and West Lexington, have answered in the negative.

On motion, it was ordered that the Stated Clerk admit to record the answer of the Presbytery of Lahore to the Overture on Reunion.

The Assembly was, on motion, led in prayer by Rev. John Hall, D. D., in gratitude for the result of the negotiations on Reunion, and the doxology was sung.—1869, p. 1158, O. S.

b. The Stated Clerk presented the Report of the Presbyteries on the Overture for Reunion, as follows:

Report of the Stated Clerk of the General Assembly of the Presbyterian Church in the United States of America, on the answers of the Presbyteries to the overtures on the Reunion of the two Branches of the Church:

The number of Presbyteries connected with this General Assembly is one hundred and thirteen. Official responses have been received from every one of them. They have *all answered the overture in the affirmative.* In each of the Presbyteries of Albany, Wellsboro', and the District of Columbia a single negative vote was cast. In each of the remaining one hundred and ten Presbyteries the vote was *unanimous.*

Respectfully submitted. EDWIN F. HATFIELD, *Stated Clerk.*

Pittsburg, Pa., Nov. 10th, 1869.

The Assembly united in prayer and thanksgiving to God for this auspicious result.—1869, p. 485, N. S.

32. Report of Joint Committee of Conference.

"The Joint Committee of Conference on Reunion" presented its Report, which was adopted, and is as follows, viz.:

1. That each Assembly should declare the vote of the Presbyteries in the following language:

"This Assembly having received and examined the statements of the votes of the several Presbyteries, on the Basis of Reunion of the two bodies, now claiming the name and rights of the Presbyterian Church in the United States of America, which basis is in the words following, viz., 'The Reunion shall be effected on the doctrinal and ecclesiastical Basis of our common standards; the Scriptures of the Old and New Testament shall be acknowledged to be the inspired word of God, and the only infallible rule of faith and practice; the Confession of Faith shall continue to be sincerely received and adopted, as containing the system of doctrine taught in the Holy Scriptures, and the government and discipline of the Presbyterian Church in the United States shall be approved, as containing the principles and rules of our polity:' Does hereby find and declare that the said Basis of Reunion has been approved by more than two-thirds of the Presbyteries connected with this branch of the Church: and whereas the other branch of the Presbyterian Church in the United States of America, now sitting in the Third [or, *the First*] Presbyterian Church in the City of Pittsburg, has reported to this Assembly that said Basis has been approved by more than two-thirds of the Presbyteries connected with that branch of the Church, now, therefore, we do solemnly declare that said Basis of Reunion is of binding force."

2. This Committee recommends that a Special Committee of five from each branch of the Church, shall be appointed to take into consideration the affairs of each of the Boards and Committees of both branches of the Church, and to recommend to the Assembly of the united Church, next to be held, what changes are required in said Boards and Committees.

3. That each Assembly shall also pass the following: Whereas, it is apparent, from the size of the two Assemblies, that some changes must be made in the present method of representation: therefore, *Resolved,* That each of the Assemblies of 1869 shall appoint a Committee of five, to constitute a joint committee of ten, whose duty it shall be to prepare and propose to the General Assembly of the united Church a proper adjustment of the boundaries of the Presbyteries and Synods, and the ratio of representation, and any amendments of the Constitution which they may think necessary to secure efficiency and harmony in the administration of the Church, so greatly enlarged, and so rapidly extending.

4. That the Assemblies shall meet at 9 o'clock on Friday morning next, and that the vote of the Presbyteries be declared in each Assembly at 10 o'clock, and that each Assembly be then dissolved in the usual manner

prescribed by the Form of Government. That each Assembly shall immediately repair to the Third Presbyterian Church, in this city, there to hold a joint meeting for prayer and praise; and that a joint communion service be held on the same day, at three o'clock in the afternoon.

That all business before each Assembly shall be concluded this (Thursday) evening, and no new business taken up thereafter.

5. That a Committee of Arrangements, consisting of two from each Church, be appointed to decide upon the form, manner, and place of our public meeting, and to prepare a statement upon the subject of raising funds for the use of the Church, which shall be read to said meeting. It is proposed that the Rev. A. G. Hall, D.D., Robert Carter, Esq., Rev. S. W. Fisher, D. D., and William E. Dodge, Esq., be appointed said committee.

6. That the first meeting of the General Assembly of the united Church be held in the First Presbyterian Church in the City of Philadelphia, on the third Thursday of May, A. D. 1870, at 11 o'clock, A. M.

—1869, pp. 1159, 1160, O. S.
—1869, pp. 495, 496, N. S.

33. Consummation of the Reunion Declared.

The Declaration was adopted unanimously in both Assemblies, by a rising vote, as follows, viz.:

This Assembly having received and examined the statement of the votes of the several Presbyteries on the Basis of the Reunion of the two bodies now claiming the name and the right of the Presbyterian Church in the United States of America, which basis is in the words following, namely: "The Union shall be effected on the doctrinal and ecclesiastical Basis of our common standards; the Scriptures of the Old and New Testament shall be acknowledged to be the inspired word of God and the only infallible rule of faith and practice; the Confession of Faith shall continue to be sincerely received and adopted as containing the system of doctrine taught in the Holy Scriptures; and the government and discipline of the Presbyterian Church in the United States, shall be approved as containing the principles and rules of our polity:" Does hereby find and declare that said Basis of Union has been approved by more than two-thirds of the Presbyteries connected with this branch of the Church—and whereas the other branch of the Presbyterian Church in the United States, now sitting in the Third [or, *the First*] Presbyterian Church in the City of Pittsburg, has reported to this Assembly that said basis has been approved by more than two-thirds of the Presbyteries connected with that branch of the Church:

NOW THEREFORE WE DO SOLEMNLY DECLARE THAT SAID BASIS OF REUNION IS OF BINDING FORCE.

—1869, p. 1163, O. S.
—1869, p. 500, N. S.

34. The Reunion Convention.

PITTSBURG, PA., Friday, November 12, 1869.

The two General Assemblies of the Presbyterian Church, meeting respectively in the First and Third Churches of Pittsburg, Pa., having both been in due form dissolved on Friday, November 12, 1869, at 10 o'clock A.M., a JOINT CONVENTION, in accordance with previous mutual agreement, was held immediately after in the Third Church.

The members of the late N. S. Assembly, preceded by their Moderator, Clerks, and Reunion Committee, formed in order, two by two, and proceeded from the Third Church down Sixth Avenue to Wood street, and

took position on the west side of the street, opposite the First Church. At the same time, the members of the late O. S. Assembly, preceded in like manner by their Moderator, Clerks, and Reunion Committee, came forth from the First Church and took position on the east side of the street, directly opposite the other column, the head of each line looking south toward Fifth Avenue.

The following gentlemen had been appointed, and consented to serve as marshals of the day: Gen. J. K. Morehead and Messrs. John D. McCord, William Rea, and George H. Stuart.

The signal for the march having been given, the two Moderators met in the middle of the street, shook hands, and joined arms; as was done also by the Stated Clerks, the Permanent and Temporary Clerks, the two Reunion Committees, and the remainder of the two columns—the joint procession meanwhile marching forward, two by two, Old and New School interlocked along the whole line, down Wood street and up Fifth Avenue, Smithfield street and Sixth Avenue (the whole distance attended by a rejoicing crowd of people), to the Third Church.

As the procession entered by the right middle aisle, Wesley's noble hymn,

"Blow ye the trumpet, blow," etc.,

was sung by the choir and the ladies, who had been previously admitted to seats assigned them. The greater part of the procession found seats on the immense platform occupying the southern end of the great Church, the remainder occupying the pews in front of the platform; after which the doors were opened, and the house was immediately thronged to its utmost capacity.

The services commenced at 11 o'clock A. M., and were continued with unwearied interest for more than three hours. Addresses were made by the Moderators and others, both ministers and elders, previously designated, intermingled with prayer and songs of devout praise and thanksgiving.

The following preamble and resolutions, reported in behalf of the Committee of Arrangements, by the Rev. S. W. Fisher, D. D., LL. D., were passed unanimously:

PREAMBLE AND RESOLUTIONS ADOPTED IN JOINT CONVENTION BY THE MEMBERS OF THE TWO ASSEMBLIES—NOV. 12, 1869.

In the Providence of God, the two Branches of the Presbyterian Church in the United States of America, after a separation of more than thirty years, are again united. This event, in its magnitude, is unparalleled in the ecclesiastical history of this country and almost of the world. It evidences to all men the presence and unifying power of the Divine Spirit. A fact so remarkable and significant attracts interest and creates expectation among even worldly minds. It awakens the sympathies and the hopes of all who truly love Christ among other denominations. It awakens hope, since it illustrates the evident purpose of God to bring all his followers into closer union in spirit, combine them in action for the overthrow of error and the diffusion of his truth; it awakens expectation, since they justly anticipate, on our part, from this union of resources, spirit, and action, a far more vigorous assault upon the forces of darkness and more decided efforts to spread the Gospel among all classes in our own and other lands.

To us, as a Church, it is an era in our history most memorable and hopeful; memorable, as it signalizes the triumph of faith and love over

the strifes and jealousies of more than a quarter of a century; hopeful, since it is not the result of decadence and torpor, but of progress and augmented strength. It buries the suspicions and the rivalries of the past, with the sad necessity of magnifying our differences in order to justify our separation. It banishes the spirit of division, the natural foe of true progress. In this union are seen the outflashing of a divine purpose to lead us on to greater self-sacrifice, and a more entire consecration to the evangelization of the world. God has elevated us to this commanding position, that we may see his glory, and in the strengthened faith it inspires devote our united resources more directly and efficiently to the salvation of men. New and grander responsibilities rest upon us. Jesus summons us to a holier faith and more perfect consecration. He summons this Church to answer his loving-kindness by deeds commensurate with our renewed resources. The times are auspicious; everywhere peace reigns; the gates are open, and the millions of our own and other lands wait for the Gospel. Our position is commanding; our resources great; our methods of action well settled, simple, and efficient. The Spirit of God that has united us will inspire, direct, and bless our efforts. While we maintain the faith which Paul so fully unfolded, and our Church, in the centuries past, has, through manifold persecution and martyrdom, so gloriously upheld, we are summoned, as by the will of God, to arise and build, to form new, broader, and bolder plans for the extension of Christ's kingdom, and to enter upon and execute them with apostolic enthusiasm.

Let us then, the ministers, elders, and members of this Church here assembled, as, in spirit, standing in the presence of and representing the entire body of believers in our connection, and the beloved missionaries in foreign lands who now await, with tender and prayerful interest, this consummation of our union,—let us, in humble dependence upon our dear Redeemer, with deep humility in view of our past inefficiency and present unworthiness, and as an expression of our devout gratitude to Him who has brought this once dissevered, now united Church up to this *Mount of Transfiguration*, signalize this most blessed and joyous *union* with an offering in some good degree commensurate with the abundant pecuniary gifts that he has bestowed on us. And, to this end, be it

Resolved, That it is incumbent on the Presbyterian Church in the United States of America, one in organization, one in faith, and one in effort, to make a SPECIAL OFFERING, to the treasury of the Lord, of FIVE MILLIONS OF DOLLARS: and we pledge ourselves, first of all, to seek in our daily petitions the blessing of God to make this resolution effectual; and second, that we will, with untiring perseverance and personal effort, endeavor to animate the whole Church with the purpose to secure the accomplishment of this great work before the third Thursday of May, 1871.

34. *Resolved*, further, That the Stated Clerks of the Assemblies of 1869 be requested to publish this paper, with the names of the Moderators, Clerks, and Joint Committee on Reunion, and the Commissioners now in attendance, appended thereto.

At 3½ o'clock P. M., the Convention united in the celebration of the Lord's Supper at the First Presbyterian Church, which also was thronged in every part.

1869, pp. 502–504, N. S.
1869, pp. 1165–1167, O. S.

35. The Memorial Contribution.

On the subject of the Five Million Memorial Fund, the Joint Committee (all the members being present but two, who were hindered by unavoidable engagements), after most careful and anxious deliberation, agreed unanimously upon the following resolutions:

1. That notwithstanding we find, on examination, that the terms of the resolution adopted on the subject by the General Assemblies recently met at Pittsburg, Pa., do not distinctly enjoin the duty of raising the proposed "Memorial Fund" upon this joint Committee; yet, being fully persuaded that the general voice and expectation of the Church have determined, that this service fairly belongs to the Committee; and, further, inasmuch as funds for this object have already been tendered to us, we assume this to be a duty embraced within the intention of the Assemblies in our appointment; and therefore we conclude to initiate this work at once, and to conduct it until the meeting of the General Assembly.

2. That, in the judgment of this Joint Committee, it is not within the intention of the Church, to include in this fund the ordinary contributions to the Church's stated work (which in our new position should be greatly advanced), but to create and strengthen permanent institutions at home and abroad, to meet such extraordinary claims as arise out of our new position, and to effect such objects as properly commemorate our Union. By these we mean:

I. Theological Seminaries, Colleges, and Seminaries for the education of our daughters, including buildings and endowments of the same; it being understood that such Institutions shall be chartered, and shall be in connection with the Presbyterian Church.

II. Literary Institutions for the raising of a native Gospel ministry in heathen lands.

III. Church buildings and Manses originating subsequently to the Union, and otherwise entitled to public aid; Hospitals and Orphan Asylums in connection with the Church.

IV. Institutions for the education and evangelization of the Freedmen.

V. Special contributions for the establishment of a permanent Sustentation Fund, which shall include funds to be appropriated for the support of Disabled Ministers and their Families.

At the same time the Committee announced, that the Hon. William E. Dodge, as Treasurer, in accordance with the recommendation of the Convention, would receive donations for these objects, said donations to be applied hereafter, at the discretion of the General Assembly.

These resolutions were extensively published, and, while much diversity of view appears to prevail regarding details, their leading principle appears to have secured general acceptance, and in various quarters efforts have been inaugurated in accordance with it.

The Committee having considered what practical measures should be suggested to the General Assembly, with a view to realizing the Five Million Memorial Fund before the third Thursday in May, 1871, according to a resolution of the Pittsburg Convention,

It was unanimously agreed to recommend—

1st. The appointment of a Committee for the raising and disposition of this fund, subject to the principles now agreed upon.

2d. That this Committee shall examine the claims of particular institutions seeking to enjoy the benefit of the fund, either by direct appropriation, or their own efforts, the results of which are reckoned as part of the fund.

3d. That, in addition to other efforts, a collection be made in all our congregations, as nearly simultaneously as practicable, during the month of January, 1871, when the ministers, having prepared the way, by keeping the subject constantly before the people in the interval, shall more specially urge the contribution upon them.

4th. That the Committee constituted by the first resolution, be instructed to prepare and forward to each congregation through the pastor, stated supply, or session, to be laid before each member of the congregation, a *clear, distinct* and *minute* plan for *subscribing, reporting, collecting* and *forwarding* the amounts contributed to this fund, and also to prepare and send suitable blanks for these purposes.

5th. That our Presbyteries and Synods be instructed, at their fall meetings, to make careful inquiry of each pastor and elder, and know if these subscriptions have been presented to the *individuals* of *all* our congregation; and in cases of failure to take such measures as may best secure this result.—1870, pp. 74, 75.

The Committee on the Memorial Fund:

Messrs. Winthrop S. Gilman, J. Crosby Brown, John E. Parsons, Alexander Whilldin, Benjamin F. Butler, Isaac Scarritt, William T. Booth, Archibald McClure, Jr., and George Junkin.—1870, p. 123.

36. Report of the Committee on the Memorial Fund.

The unfinished business of the morning session was resumed, and, after further discussion, suspended, to take up the second order of the day, viz.: the Report of the Committee on the Five Million Memorial Fund. Mr. Winthrop S. Gilman, Chairman of the Committee, made a brief statement, after which the Report of the Committee was presented by the Rev. Frank F. Ellinwood, D. D., the Secretary of the Committee, as follows:—

The Committee appointed to raise and disburse the *Five Million Memorial Fund* was organized at 47 Exchange Place, New York, June 17th, 1870, the Chairman, Winthrop S. Gilman, presiding. It was resolved, that Hon. William E. Dodge be requested to continue in office as Treasurer, and Rev. F. F. Ellinwood was appointed Corresponding Secretary for one year, for the general supervision of the work. Steps were immediately taken to lay before the churches a distinct plan for subscribing, collecting, reporting, and remitting their offerings according to the direction of the Assembly.

The Committee learned that, during the interval between the passage of the organized resolution at Pittsburg and the final ratification at Philadelphia, only about $1900 had been contributed to the Central Treasury, though beginnings had been made in various forms of home work among the churches.

The greater part of the $5,000,000 was yet to be raised, and eleven months remained for the work.

The small amount which had thus far been contributed, the wide differences of opinion in the Church as to the uses which should be made of the fund, and the general demand that the people should be allowed to judge of the wisdom and necessity of their own disbursements, rendered it plain that success could be attained only by adopting a policy, as liberal as the instructions of the Assembly would permit.

The great object in view, as the Committee conceived it, was to render memorable the Presbyterian Reunion by an enlargement and strengthening of all the structural interests of the Church as a permanent token of gratitude to God.

The motive of highest utility must be coupled with that of commemoration.

Even aside from the question of what was feasible and what was not, of what might succeed and what would inevitably fail, it seemed more important to secure the greatest possible advancement of the kingdom of Christ, than to present imposing results before men. Evidently no Committee could realize so large an amount as five millions of dollars, without seeking the co-operation and subsidizing the manifold interests of the whole Church. Each Synod and each Presbytery must take up its own work; every institution of learning must stimulate the exertions of its Alumni and its local friends; and every feeble congregation must seize the opportunity, both of quickening its own efforts, and of gaining help from others. The Committee have, therefore, from the first, endeavored to provoke the diligence of the churches in those forms of work, within the prescribed classes, which in their judgment should present the strongest claim to their liberality. They have, however, urged particularly the general objects named by the Assembly, and have invariably presented the highest and most spiritual motives. As far as possible, the Committee have been personally represented in the various Synods, and in union meetings of the churches in the larger towns. In order to secure the more thorough co-operation of the West and North-west, Rev. A. G. Ruliffson was, on the 1st of August, appointed Western Secretary for the remainder of the fiscal year; and the Committee have had abundant reason to rejoice in the results of that appointment.

In regard to the range of objects contemplated in this work, the brief outline recommended by the former *Committee of Ten*, and adopted by the last Assembly, has proved to be eminently wise, both in its comprehensiveness and in its limitations. It confined the effort to the main departments of structural and permanent interests, and yet forbore to enter into details which could not have been judiciously imposed beforehand, and which could only have exerted a discouraging and repressive influence. The structural objects which were indicated by the Assembly were of five classes, viz.: Churches, Manses, Literary and Theological Institutions at Home and Abroad, Hospitals connected with the Church, and Houses for the use of the Boards.

What proportion of the aggregate fund should be allotted to each of these classes the Assembly did not state; nor has the Committee felt authorized to decide. If one class has been found to absorb too much, and another has received too little, it is but an inevitable result of that discretionary freedom which the plan necessarily involved. To these permanent objects, as distinguished from all current work, the Committee have endeavored to confine the effort, allowing only such expansions as were conceived to exist in the spirit of this movement as first proposed. If, in the practical exigencies of so many churches, seeming changes have appeared in the plan, they have been only those of natural and necessary development, as the bulb is transformed to a rooted plant.

Thus the principle, which admits a complete Institution, must be so ramified as to cover all its parts. If the friends of a particular college, variously offer endowments, new building, scholarships, libraries, repairs, canceled mortgages, and grants of land, they must, of logical necessity, be included, though in the outset no such variety had occurred to any mind. So of churches; if one congregation find acceptance for a new sanctuary complete in all its parts and appurtenances, no principle of justice can exclude the poorer flock who can only offer a part of a church, as

PACIFIC SCHOOL OF RELIGION

an enlargement, or a new roof, or an organ, or a bell, or even a horse-shed, or a fence.

It is true, that by such a rule some humble objects are included; but He who, in the construction of his ancient sanctuary, invited even such offerings as a ram's skin or a little goat's hair, does not despise a humble gift. It is a beautiful feature of our common memorial, that it has harmoniously combined the efforts of the wealthy and the poor. The affluent have given their tens of thousands, and with equal acceptance the toiling needle-woman has offered joyfully her mite; the merchant prince has drawn his check, and the converted Indian on the frontier has given his honest score of days' work upon the walls of God's house. It is inevitable, that the general principles governing so great an undertaking should sometimes be abused. How could it be otherwise, when so much of worldly motive mingles with all the benevolences and all the services of the Church? The memorial work has doubtless been marred by as many exhibitions of a selfish spirit as appear in other things; but the degree of selfishness has not always been measured by mere locality, nor the kind of memorial object chosen. Hundreds of the noblest instances of self-sacrifice have been shown in humble congregations which were struggling to secure a sanctuary for themselves and their neighbors about them. A voluminous record might be given of incidents and illustrations of the most touching character, and affording ample proof that many have found the Memorial work a precious means of grace.

While pursuing a liberal policy in admitting the gifts of the churches, the Committee have confined their own direct disbursements to objects of a general character and those of the most pressing need. They have had no desire to secure any large proportion of the fund to the general Treasury, except as enabling them to meet this class of wants. They would gladly have accomplished more in this respect than they have.

At a time when very general apprehension existed lest the Memorial should seriously embarrass the Church Boards, many persons in various parts of the Church expressed a desire to devote their Memorial offerings as special donations for the relief of the Boards. As such gifts found no sanction in either the letter or the spirit of the Assembly's instructions, the Committee felt that they had no authority in the premises; but they finally resolved to admit these special offerings in a separate class, subject to the action of this Assembly.

In the midst of the apprehensions just referred to the Committee have maintained a hopeful spirit. They have so constantly received assurances that the churches which were doing most for the Memorial were even increasing their gifts to the Boards, that they have felt confident that the end of the year would show very slight deficits in our regular benevolences, if any at all. And it is with rare satisfaction and gratitude that they now find that confidence fully justified.

Comparing the Reports of the Boards just rendered to this Assembly with those presented a year ago, and confining the estimate to the actual gifts of churches and individuals, as distinguished from legacies and other casual resources, they find the receipts of the united Boards, compared with the aggregates of the separate Boards of the two branches last year, to present the following gains as compared with last year:

Home Missions; gain over last year, $16,297.25: Church Erection; gain, about $20,000: Education; deficit, $964: Publication; deficit, $9888: Freedmen; gain, about $500: Ministerial Relief; gain, $13,687.27: Foreign Missions; gain, $37,296.89. Aggregate of gains of the Boards, $87,466.89; net gain, $76,502.89.

It should be stated that the gains in the Foreign Board are mainly due to the accession of churches formerly contributing to the American Board of Foreign Missions; but it should also be said, that there are still considerable amounts in the Memorial Treasury for the Presbyterian Board not included in their Report.

There are furthermore some differences in the time of closing the fiscal year of the Boards as compared with the previous year; but these differences, together with the fact that the Memorial Report closes latest of all, will, on the whole, rather strengthen the exhibit which is here made, and will fully establish the important fact that *during the Memorial year churches and individuals have given a larger aggregate to the Boards than in any previous year of our whole history.*

It may be proper, also, to dwell for a moment on the direct benefits which the Memorial has conferred upon the various Causes which the Boards represent.

On the Foreign Mission field permanent institutions have been provided for to the amount of nearly $100,000.

In Church Erection on the Home field, a careful estimate shows that about six hundred churches and chapels have been reared during the year and a half, of which only twenty-one have reported a cost of over $25,000. About three hundred of these, including mission chapels, have directly or indirectly received aid from the Memorial Fund. The amount which has actually been received into the Treasury for this purpose is $96,282.93.

The Cause of Publication has only been benefitted in the enlargement of the Publishing House to the extent of about $45,300.

For the Freedmen's Cause less has been done than was desirable, only about $10,000 having been reported for schools and churches devoted to their interests.

The Cause of Ministerial Relief, aside from special gifts already estimated in its own Reports, has received some small amounts for a permanent fund.

How far the Cause of Education has been advanced may be judged by the fact that the Church has added nearly a million and a half of dollars to her educational apparatus in various permanent forms.

The relation of the Memorial effort to Home Missions is less direct, but none the less important. The recent Report of the Home Mission Board shows that the churches under their care have raised $228,627 for the payment of church debts. This amount, at the safe rate of 8 per cent. interest, shows a saving to the mission churches, and virtually to the Mission Board, of $18,130 per annum. But the whole amount of Memorial contributions reported from Home Mission churches is $339,410, and when we add the large sums given them by others for churches, manses, and repairs, we shall have an aggregate increase of not less than half a million of church property in the Home Mission field, the effect of which will raise many churches at once, or very soon, to a position of efficiency and self-support. And, finally, the Memorial effort in all our churches, rich and poor, by removing obstacles, and enlarging foundations, and quickening exertion, has prepared the way for the *future* work of the various Boards beyond anything in the history of the past.

The Committee are led to believe that not the least of the good results of this effort has been its rallying and uniting influence upon the denomination. It seems providential that the reunion should have been followed by a common and enthusiastic movement, overpowering and obliterating all the old lines of separation.

It has, moreover, strengthened our courage by the development of important principles. It has shown that there is a responsive loyalty among us to the projects and behests of the Assembly; it has demonstrated the important fact that we are a thoroughly organized body, and that by our Presbyterian polity even so great a mass may be marshaled and wielded in the great work of Christian conquest. Nor can it be doubted that the experiment of this Memorial has *permanently* enlarged the scale of benevolence among us. Whatever may be said of the use which the churches have made of their gifts, the great and notable fact is that such vast amounts of money have been given at all for religious purposes, and given mainly with a sincere desire to accomplish the highest good. It is not a light thing that in this worldly age, and amid the business discouragements which have marked the year, and with the current expenditures of all the churches still continued, and with seven regular Boards to be maintained in full operation, so many extra millions of dollars should have been contributed for the permanent interests of Christ's kingdom. The fact itself is the best possible monument of reunion. The spectacle of such a movement is full of encouragement and hope.

And lest it should be said by any that these are not extra amounts, but that we have only recorded the average structural work of average years, the Committee have been at some pains to learn what has been done outside of the Memorial reckoning; and they find that by the common impulse, which even under protest could not wholly be resisted, more than two millions of dollars, not included in this report, have been raised during the Memorial Period for the same kinds of work. This is abundant proof that the five millions which it was resolved to raise may be set down as a clear gain, above all previous years of our history as a Church. The Committee are free to confess, that even their highest hopes have been more than realized in this respect. And when they contrast the discouragements that hung over their early efforts with the general response that has at length been given, they are impressed with the fact that the result is not due to skillful management, nor to faithful labors, nor to any human influence, but to the special power of the Spirit of God moving so many hearts in all parts of the land to a common effort.

It is due to some of the best men in the Church, who from the first have doubted the policy of such a movement, to say that they have, nevertheless, in other ways helped forward the cause of Christ in proportionate degrees. It is partly due to the special efforts of such that the Boards have been so well sustained. The Committee rejoice in their efforts, also, nay, and will rejoice, since every way God is glorified.

In viewing the labors of the year, the Committee take great pleasure in acknowledging the great assistance afforded them by the weekly religious press of the denomination. Perhaps never before has the power of the religious press in promoting great Church enterprises been so fully illustrated. To human view it is difficult to see how, without this valuable agency, the work of the Committee could have been accomplished. To the *Evangelist*, the *Presbyterian*, the *Interior*, the *Observer*, the *Herald and Presbyter*, the *Banner*, and the *Occident*, the thanks not only of the Committee, but of the whole Church, are due for their efficient aid. The Committee would also make grateful mention of the fact that furnished offices have been placed at their disposal during the year by Phelps, Dodge & Co., and that similar courtesies were tendered them by Brown Brothers & Co. and others in New York.

In presenting the actual statistics of the work, it should be premised that, owing to the tardiness of the returns from many churches, our Re-

port is necessarily incomplete. Much work known to have been accomplished is too late for this presentation. Some of the returns also have been so indistinct that a satisfactory comparison of college reports with those of churches, with a view to avoiding repetition, has been wellnigh impossible. And, as the Committee have preferred to err on the safe side, they have in all cases of uncertainty ruled out college reports, though fully persuaded that by these means $200,000 are excluded from their footings. Owing to the same difficulty, no account has been made of the reports of special Memorial gifts returned by the Boards and by the Women's Societies. Large sums, also, gathered from individuals for churches in the West, have been excluded on account of uncertainty, though it is believed that many of them have not been reported by donors. It was the first intention of the Committee to report individual donors in some cases by name; but the difficulty of a proper discrimination has been found to be so great, that such names are simply entered on the Memorial Records, while to the public they are reported in the aggregate under a general miscellaneous head.

The classification of money received and reported thus far is as follows: For new Church Buildings, $3,236,475.61; Manses, $683,884.05; Repairs and Enlargement, $733,707.60; Payment of Debts, $1,083,478.72; Institutions of Learning, $1,405,548.66; Permanent Institutions in Foreign Lands, $93,509.96; Special Gifts to the Boards, $60,340.40; Hospitals, $48,665.35; Relief Fund and Sustentation, $41,150.46; Presbyterian Houses, $46,882.37; amounts not specified by the churches reporting them, $162,681.10; expenses of the Committee, $11,175.63. It is with profound gratitude to God that the Committee announce as the total amount reported up to 12 o'clock to-day, SEVEN MILLION, SIX HUNDRED AND SEVEN THOUSAND, FOUR HUNDRED AND NINETY-NINE DOLLARS AND NINETY-ONE CENTS ($7,607,499.91).

At the close of the reading of the Report, the whole Assembly arose spontaneously and sang the Doxology,

"Praise God, from whom all blessings flow,"

after which, by invitation of the Moderator, the Rev. John Hall, D. D., gave thanks to God for his great goodness.

The Report was then accepted, and referred to a special committee of fifteen to suggest suitable action thereon.—1871, pp. 513–519.

[For the Report of the above Committee see Minutes 1871, pp. 552–555.]

Final Report of the Memorial Fund Committee.

The order of the day, viz., the Report of the Committee on the Memorial Fund, was presented and approved, as follows:

The Memorial Fund Committee, having, by order of the last General Assembly, been continued for another year, beg leave to report, that they continued to admit contributions, as directed, till August 1, 1871, after which preparations were made for the publication of a report of all contributions from all churches, arranged by Presbyteries and Synods. That report was published early in October last, and a copy was sent to each church contributing to the fund. The contributions were given in two classes only, and the gift of individuals, not embraced in church contributions, were presented in the aggregate. With this tabular report, a brief documentary history of the inception, prosecution, and completion of the work was given, and the whole was published in neat form, by De Witt C. Lent & Co., 451 Broome street, New York, from whom extra copies may

still be obtained, at 75 cents and $1 per copy, according to the style of binding.

The Committee has not dared to expect that no errors would be found in a work which embraces nearly $8,000,000, reported hurriedly, and in many cases very imperfectly, and the greater part within a few weeks. But it has been agreeably surprised that so few errors have been pointed out, and those, for the most part, such as rose from defective reporting. In order to secure greater accuracy, the manuscripts were offered for public inspection at the last Assembly, and Commissioners from the various Presbyteries were invited to aid the Committee in making corrections.

The entire amount reported as subscribed, up to August 1, 1871, was $7,833,983.85. As there has always been some difference of sentiment, in regard to the range of objects which should have been regarded as properly Memorial objects, it may be well to observe, that the aggregate was sufficiently large to admit of many restrictions, and yet leave at least the $5,000,000, which the Church set out to raise. Deducting all special gifts to the Boards, and all that was expended in the payment of church debts, there will remain $6,662,269.54. Striking out $500,000, as probably spent in repairs, we still have $6,162,269.54.

With even the strictest construction, therefore, more than the amount originally intended has been fairly raised.

The number of certificates issued has been 36,000. They have been made out for those only for whom they have been requested, and all names of those receiving them, so far as given to the Committee, have been recorded in the books of registry of certificates, constituting three volumes. There has in many cases been considerable delay, partly due to the lateness of the applications for certificates, and partly to the fact that the engraved copies could not be supplied with sufficient rapidity to meet the demand. The labor of filling out so large a number of certificates, and sending them to their proper destination, has been so great, that for some months several persons were employed, wholly or in part, in the work. One clerk was retained for this purpose until January 1st of the present year. The disbursements, which have been made of money actually received into the treasury in New York, are given in a tabular statement. Many of these were directed to specified objects by the donors; in other cases, the Committee have been compelled to select, from a large number of applicants, those which seemed to them to have the highest claim.

The Treasurer's account, which is also appended, has been audited up to date, and the small balance of $485.87 remaining in the treasury, after defraying all expenses, has, by a vote of the Committee, been passed over to the Treasurer of the Board of Foreign Missions, for permanent structures on a foreign field.

It is recommended that the records of the Committee, including registers of names, letter-books, etc., together with copies of the published report, be made over to the Presbyterian Historical Society, in Philadelphia.

Copies of the report have been sent to the libraries of the various Colleges and Theological Seminaries connected with the Church.

Having thus completed the work assigned to it by the General Assembly, the Committee would respectfully ask to be discharged. The memorial effort now belongs to the past, while other and greater interests challenge the attention of our beloved Church.

The Committee on the Memorial Fund were, at their own request, discharged.—1872, p. 16.

CHAPTER II.

OF THE CHURCH.

I. JESUS CHRIST, who is now exalted far above all principality and power, hath erected in this world, a kingdom, which is his church.

II. The universal church consists of all those persons, in every nation, together with their children, who make profession of the holy religion of *Christ*, and of submission to his laws.

III. As this immense multitude cannot meet together, in one place, to hold communion, or to worship God, it is reasonable, and *warranted by Scripture example*, that they should be divided into many particular churches.

IV. A particular church consists of a number of professing Christians, with their offspring, voluntarily associated together, for divine worship, and godly living, agreeably to the Holy Scriptures; and submitting to a certain form of government.*

1. Mode of Organization of New Churches.

The Committee to whom was recommitted the report of the last Assembly, on the organization of new churches, reported again, and their report was read and adopted, and is as follows, viz.:

That a particular Presbyterian church, so far as adults are concerned, is constituted and organized as such, by a number of individuals, professing to walk together as the disciples of Jesus Christ, on the principles of the Confession of Faith and Form of Government of the Presbyterian Church, and the election and ordination of one or more ruling elders, who, by the ordination service become the spiritual rulers of the persons voluntarily submitting themselves to their authority in the Lord.

a. This organization ought always to be made by application to the Presbytery, within the bounds of which the church to be organized is found, unless this be exceedingly inconvenient, in which case it may be done by a duly authorized missionary, or a neighboring minister of the gospel.

b. At the time appointed for the purpose, after prayer for divine direction and blessing, the presiding minister, or committee appointed by the Presbytery should first receive from those persons to be organized into the new church, if they have been communicants in other churches, letters of dismission and recommendation; and in the next place, examine and admit to a profession of faith, such persons as may offer themselves, and may be judged suitable to be received on examination. If any of these persons admitted to a profession on examination, have not been baptized, they should in this stage of the business be made the subjects of Christian baptism.

c. The individuals ascertained in the foregoing manner to be desirous and prepared to associate as a church of Christ, should now, by some public formal act, such as rising, joining hands, or subscribing a written state-

* A larger type is used to indicate to the reader that the parts thus printed are from the FORM OF GOVERNMENT, BOOK OF DISCIPLINE, or DIRECTORY FOR WORSHIP.

ment, agree and covenant to walk together in a church relation, according to the acknowledged doctrines and order of the Presbyterian Church.

d. The next step is to proceed to the election and ordination of ruling elders, in conformity with the directions given on this subject in the Form of Government of the Presbyterian Church.

Deacons are to be elected and ordained in like manner as in the case of ruling elders.

e. When a church has been organized in the manner already described, report of the same should be made, as soon as practicable, to the Presbytery within whose bounds it is located. And when a missionary, or other minister of the gospel, not especially appointed to the work by a Presbytery, has, in the manner above specified, organized a church, not within the known bounds of any Presbytery, the church thus organized should as soon as practicable make known to some Presbytery, with which it may be most naturally and conveniently connected, the time and manner of its organization, and desire to be received under the care of said Presbytery.

In cases in which churches are to be formed within the known boundaries of any Presbytery, it is most desirable that persons wishing to be organized as a Presbyterian Church, should petition that Presbytery to receive them under its care for the purpose of organizing them in due form.

f. There may be people in destitute portions of our land, who may be disposed to associate for the purpose of forming a Presbyterian congregation, when no minister of the gospel can be obtained to aid them. The forming of associations for such a purpose, in the circumstances contemplated, should be considered not only as lawful, but highly commendable. And such associations, when formed, should, as speedily as possible, take measures for obtaining the preaching of the gospel, and for becoming organized as regular churches.

g. Cases may also occur, in various places, in which a collection or association of people may desire the preaching of the gospel, and be willing, in whole or in part, to support it, and yet may not have suitable men among them to sustain the office of ruling elders.

Such people may and ought to obtain a preacher of the gospel to labor among them, and occasionally to administer ordinances, under the direction of some Presbytery, till they shall find themselves in circumstances to make a proper choice of ruling elders, and to have them regularly set apart to their office.—1831, pp. 326, 327.

2. Who are the Constituent Members of a Church?

a. "A particular church consists of a number of professing Christians, with their offspring, voluntarily associated together for divine worship, and godly living, agreeably to the Holy Scriptures; and submitting to a certain form of government."—Form of Government, Ch. ii., Sec. iv.

b. "Children, born within the pale of the visible church, and dedicated to God in baptism, are under the inspection and government of the church."—Directory, Ch. ix., Sec. i.

c. "Baptism is a sacrament of the New Testament, ordained by Jesus Christ, . . . for the solemn admission of the party baptized into the visible church. . . ."—Confession, Ch. xxviii., Sec. i.

d. "Not only those that do actually profess faith in, and obedience unto Christ, but also the infants of one or both believing parents are to be baptized."—Ib., Ch. xxviii., Sec. iv.

3. Of Trustees and Charters.

a. It is not inconsistent with the Presbyterian plan of government, nor the institution of our Lord Jesus Christ, that Trustees, or a committee

chosen by the congregation, should have the disposal and application of the public money raised by said congregation, to the uses for which it was designed; provided that they leave in the hands and to the management of the deacons, what is collected for the Lord's table, and the poor. And that ministers of the Gospel, by virtue of their office, have no right to sit with or preside over such trustees or committees.—1752, p. 249.

b. Considering that it is necessary to the due and orderly maintenance of the Constitution of the Presbyterian Church in its various provisions, that care be taken, in obtaining legal enactments of a secular kind, that they be so formed as not to come in conflict with any such provisions—and whereas, it is known, that instances have existed, and probably do still exist, in which the charters of churches, and perhaps other legal instruments, are so framed that the laws of the Church and the laws of the land are not reconcilable with each other: Therefore,

Resolved, That the General Assembly earnestly recommend it to all the congregations under their supervision, that in resorting to the legislatures or tribunals of our country, they use the utmost care to ask nothing which, if granted, will in any respect contravene the principles or order of our Church; and in any cases in which civil enactments, heretofore obtained, do militate with any of the principles or order of our Church, they endeavor, as soon as possible, to obtain the repeal or modification of such enactments, so as to make them consistent with the ecclesiastical order and principles of the Presbyterian Church.—1838, p. 26, O. S.

4. Control of Trustees over a House of Worship.

Supposing that a musical convention desire the use of the Church for its sessions and exhibition; can the Board of Trustees give the use of the house of worship for that purpose without the consent of the session?

Resolved, That the trustees of a church hold the property for religious purposes; and their legal rights are only to be determined by the State laws and charters under which they act as custodians of the church. Still, they have no moral right to convert the house of God into a place of business or amusement.—1860, p. 53, 54, O. S.

5. Respective Rights of Trustees and Session in Controlling the House.

a. Overture No. 14, being a request from the Presbytery of Cincinnati, that the Assembly define the respective rights of the trustees and session in the control of the edifice used for public worship, and direct what steps be taken in case of disagreement or collision between them, with a report thereon as follows:

Where a church edifice is held by trustees, the legal title is vested in them; and having the title, the custody and care of the property pertains to them, for the uses and purposes for which they hold the trust. These uses and purposes are the worship of God, and the employment of such other means of spiritual improvement as may be consistent with the Scriptures, and according to the order of the church: to which may be added, congregational meetings for business relating to the church or corporation. By the constitution of the Church, the session is charged with the supervision of the spiritual interests of the congregation; and this includes the right to direct and control the use of the building for the purposes of worship, as required or established by the special usage of the particular church, or the Directory for Worship. This being the principal purpose

of the trust, the trustees are bound to respect the wishes and action of the session as to the use and occupation of the house of worship. The session is the organ or agent through whom the trustees are informed how and when the church building is to be occupied; and the trustees have no right to refuse compliance with the action of the session in this regard. These are general principles applicable to all cases, except, perhaps, in some localities where special statutory enactments by competent authority may confer other rights, or prescribe other duties.

But there are other purposes for which the use of the church edifice is sometimes desired, which, though they partake of a religious or intellectual character, do not fall within the class of objects which are properly described as belonging to the worship of that congregation. The house may not be used for such purposes without the consent of the trustees; and this consent they may properly, in their discretion, refuse. As the function to determine what is a proper use of the house is vested in the session, the trustees have no legal right to grant the use of it for purposes which the session disapprove. And as the strict rights of those who are represented by the session to the use of the house, are limited to the worship of that congregation, the trustees are under no obligation to grant it for any other purpose.

When the trustees grant the use of the house to others, contrary to the expressed wishes of the session, and, as they suppose, to the prejudice of the cause of religion and of that church, the proper appeal is, first, to the persons composing the congregation to whom the trustees are responsible; secondly, to the Presbytery, for their advice; and finally, if necessary, to the legal tribunals.

The report was accepted and adopted.—1863, pp. 43, 44, O. S.

b. The Commissioners from the Presbytery of Wilmington have been instructed to ask information of the Assembly on the following points:

1. Who are voters in an election for trustees of a church?

2. Who have power to call a meeting for the election of trustees of a church?

3. Who have power to close and hold possession of a church—the trustees or the session?

The Committee reported:

1. That the questions asked are wholly legal questions, to be determined by the local laws, relating to church property, in the State where the church lies.

2. That, in the absence of any statutory law relating to the mode in which trustees shall proceed, the by-laws of the corporation shall govern the mode of proceeding.

3. That in the absence of any specific rules of proceedings, the general principle of law, that the trust shall be executed for the sole use of those for whom it is held, shall govern the case.

The report was adopted.—1864, p. 478, N. S.

6. Congregations acting through Trustees not Responsible as such to the Presbytery.

The Judicial Committee report a paper from T. C. Connelly, of Washington, D. C., calling attention to an alleged case of injustice on the part of a congregation, in that city, toward one of its members.

No specific action of the Assembly is asked for. Nor does it appear that the case is under the control of any ecclesiastical court. Congregations, acting through a Board of Trustees, are not, as such, responsible to the Presbyteries.

On recommendation of the Committee, the whole matter was dismissed. --1869, p. 270, N. S.

7. Relative Rights of Session and Trustees over Houses of Worship.—In the use of the Property for all Religious Services or Ecclesiastical purposes, the Trustees are under the Control of the Session.

[The following extract from the decision of the Supreme Court of the United States, in the Louisville Walnut Street Church case, is inserted by order of the General Assembly, and answers clearly and authoritatively most of the questions asked above. See the whole decision under Form of Government, Chap. xii., Sec. v.]

"One or two propositions, which seem to admit of no controversy, are proper to be noticed in this connection. 1. Both by the act of the Kentucky Legislature, creating the trustees of the church a body corporate, and by the acknowledged rules of the Presbyterian Church, the trustees were the mere nominal title-holders and custodians of the church property; and other trustees were, or could be elected by the congregation, to supply their places, once in every two years. 2. That in the use of the property for all religious services or ecclesiastical purposes, the trustees were under the control of the church session. 3. That by the constitution of all Presbyterian churches, the session, which is the governing body in each, is composed of the ruling elders and pastor; and in all business of the session a majority of its members govern, the number of elders for each congregation being variable.

The trustees obviously hold possession for the use of the persons who, by the constitution, usages, and laws of the Presbyterian body, are entitled to that use. They are liable to removal by the congregation for whom they hold this trust; and others may be substituted in their places. They have no personal ownership or right beyond this, and are subject, in their official relations to the property, to the control of the session of the church.

The possession of the elders, though accompanied with larger and more efficient powers of control, is still a fiduciary possession. It is as a session of the church alone that they could exercise power. Except by an order of the session in regular meeting, they have no right to make any order concerning the use of the building; and any action of the session is necessarily in the character of representatives of the church body by whose members it was elected.

If, then, this true body of the church—the members of that congregation—having rights of user in the building, have in a mode which is authorized by the canons of the general Church in this country elected and installed other elders, it does not seem to us inconsistent or at variance with the nature of the possession which we have described, and which the Chancery Court orders to be restored to the defendants, that they should be compelled to recognize these rights, and permit those who are the real beneficiaries of the trust held by them to enjoy the uses to protect which that trust was created.—1872, p. 181, Appendix.

CHAPTER III.

OF THE OFFICERS OF THE CHURCH.

I. Our blessed Lord at first collected his Church out of different nations, and formed it into one body by the mission of men endued with miraculous gifts, which have long since ceased.

II. The ordinary and perpetual officers in the Church are *Bishops* or *Pastors;* the representatives of the people, usually styled *Ruling Elders* and *Deacons.*

[See under Chapters iv., v., vi.]

CHAPTER IV.

OF BISHOPS OR PASTORS.

THE *pastoral* office is the first in the Church, both for dignity and usefulness. *The person who fills this office* hath in the Scripture obtained different names expressive of his various duties. As he has the oversight of the flock of Christ, he is termed bishop.* As he feeds them with spiritual food, he is termed pastor. As he serves Christ in his Church, he is termed minister. As it is his duty to be grave and prudent and an example of the flock, and to govern well in the house and kingdom of Christ, he is termed presbyter or elder. As he is the messenger of God, he is termed the angel of the Church. As he is sent to declare the will of God to sinners and to beseech them to be reconciled to God through Christ, he is termed ambassador. And as he dispenses the manifold grace of God and the ordinances instituted by Christ, he is termed steward of the mysteries of God.

1. Stated Supplies have not a Pastoral Relation.

a. "*Resolved*, That as Mr. Clapp was merely a stated supply of the church in New Orleans, the Presbytery of Mississippi had a right, and it was their duty, under existing circumstances, to adopt measures to detach him from said congregation."—1831, p. 340.

b. The committee on Overture No. 9, viz., a memorial from East Hanover Presbytery on inefficiency in the ministry, made the following report, which was adopted, viz.: . . . 3. That it be enjoined on all the Presbyteries to take such measures as they may deem expedient for forming the pastoral relation in a regular manner in all cases where churches

*As the office and character of the gospel minister is particularly and fully described in the Holy Scriptures under the title of "bishop," and as this term is peculiarly expressive of his duty as an overseer of the flock, it ought not to be rejected.

are now served by stated supplies, unless there be special reasons to the contrary, of which reasons the Presbytery is required to judge, and to make their judgment matter of record on their minutes.—1834, p. 450.

c. "*Resolved*, That it be enjoined on all the Presbyteries to take early and efficient measures for terminating, as far as possible, the growing evil of the system of stated supplies, and for leading all our churches to seek the regular installation of their stated Teachers as Pastors in the full sense of the term, as used in our Form of Government."—1839, p. 177, O. S.

d. "The Pastoral office should be more and more highly appreciated, practically honored and mainly promoted in all our judicatories and churches as the ordinary, the permanent, and the incomparable way of the Lord in promoting his own cause and in educating his people for heaven."—1840, p. 17, N. S.

e. "That the relation of stated supply which has grown up between many of our churches and ministers is unknown in our system, and tends to disorder and injury in many ways. The Presbyteries are therefore directed to supplant it, as far as possible, in all cases by the regular pastoral relation; and to discountenance it as a permanent relation."—1842, p. 28, O. S.

f. "Churches having stated supplies only are not such churches as are contemplated in Form of Government, chap. x., sec. iv., and have a right of representation according to the principles of the Form of Government, chap. x., sec. v."—1851, p. 15, N. S.

g. "That while the instability of the pastoral relation arises out of the uneasiness incident to growing and changing communities, and so cannot be removed by legislation, still the Presbyteries themselves can do much to abate it by honoring the pastoral relation, and declining, except in extraordinary cases, to ordain young men as evangelists to serve as stated supplies."—1869, p. 262, N. S.

2. Fidelity in Pastoral Duties enjoined.

a. Upon an overture to the Synod, in pursuance of an order of the committee to that purpose, viz., to use some proper means to revive the declining power of godliness, the Synod do earnestly recommend it to all our ministers and members to take particular care about ministerial visiting of families, and press family and secret worship, according to the Westminster Directory, and that they also recommend it to every Presbytery at proper seasons to inquire concerning the diligence of each of their members in such particulars.

This overture was approved *nemine contradicente*.—1733, p. 105.

b. And the Synod does further recommend unanimously to all our Presbyteries to take effectual care that each of their ministers are faithful in the discharge of their awful trust. And in particular, that they frequently examine, with respect to each of their members, into their life and conversation, their diligence in their work, and their methods of discharging their ministerial calling. Particularly that each Presbytery do, at least once a year, examine into the manner of each minister's preaching, whether he insist in his ministry upon the great articles of Christianity, and in the course of his preaching recommend a crucified Saviour to his hearers as the only foundation of hope, and the absolute necessity of the omnipotent influences of the divine grace to enable them to accept of this Saviour; whether he do, in the most solemn and affecting manner he can, endeavor to convince his hearers of their lost and miserable state whilst unconverted, and put them upon the diligent use of those means necessary in order to obtaining the sanctifying influences of the Spirit of

God; whether he do, and how he doth, discharge his duty toward the young people and children of his congregation in a way of catechising and familiar instruction; whether he do, and in what manner he doth, visit his flock and instruct them from house to house.

And the Synod hereby orders that a copy of this minute be inserted into the books of each of our Presbyteries, and be read at every of their Presbyterial meetings, and a record of its being read minuted in said books at the beginning of every session, and that there be also an annual record in each Presbytery book of a correspondence with this minute.

And in case any minister within our bounds shall be found defective in any of the above-mentioned cases, he shall be subject to the censure of the Presbytery, and if he refuse subjection to such censure, the Presbytery are hereby directed to represent his case to the next synod. And the Synod recommends to each of the ministers within our bounds to be as much in catechetical doctrines as they in prudence may think proper.—1734, p. 111.

c. That in the discharge of pastoral duties, they take the utmost care that the word of God be known and understood by the people, and that for this purpose, in their public instructions the practice of lecturing on certain portions of holy Scripture be not laid aside, but rather revived and increased; that they endeavor, where it is prudent and practicable, to institute private societies for reading, prayer, and pious conversation; above all, that they be faithful in the duties of family visitation and the catechetical instruction of children and youth. And that in order to aid these views, they endeavor to engage the sessions of the respective congregations, or other men most distinguished for intelligence and piety in them, to assume as trustees the superintendence and inspection of the schools established for the initiation and improvement of children in the elements of knowledge; to see that they be provided with teachers of grave and respectable characters; and that these teachers, among other objects of their duty, instruct their pupils in the principles of religion, which should be done as often as possible in the presence of one or more of the aforesaid trustees, under the deep conviction that the care and education of children, the example set before them, and the first impressions made on their minds are of the utmost importance to civil society as well as to the church.—1799, p. 182.

[See also under Directory for Worship, Chap. i., Chap. vi., and Minutes *passim*, for duties, etc., of a pastor, and under Form of Government, Chaps. xv., xvi., and xvii., for questions relating to the pastoral office. Also Chap. x., sec. viii.]

CHAPTER V.

OF RULING ELDERS.

Ruling Elders are properly the representatives of the people, chosen by them for the purpose of exercising government and discipline, in conjunction with pastors or ministers. This office has been understood, by a great part of the Protestant Reformed Churches, to be designated in the holy Scriptures, by the title of governments; and of those who rule well, but do not labor in the word and doctrine.

For the better establishing and settling congregations, it is ordered and appointed that in every congregation there be a sufficient number of assistants chosen to aid the minister in the management of congregational affairs.—1714, p. 37.

1. The Eldership essential to the Existence of a Presbyterian Church.

The report of the committee to examine the records of the Synod of the Western Reserve was adopted, and is as follows, viz.: That the records be approved, with the exception of the sentiment on page 154, viz., that the eldership is not essential to the existence of the Presbyterian Church. In the opinion of the committee the Synod advance a sentiment that contravenes the principles recognized in our Form of Government, chap. ii., sec. 4; chap. iii., sec. 2; chap. v.; chap. ix., sec. 1, 2.—1833, p. 404.

[This does not forbid the forming of congregations for religious worship, where they may not have suitable persons among them to sustain the office of ruling elder. See chap. ii., sec. 4.]

2. Elders must be duly Elected and set Apart.

The following inquiry was referred to the decision of the Assembly by the Synod of the Carolinas, viz.:

In what point of light are the elders nominated and ordained by Mr. Balch to be viewed hereafter in Mt. Bethel congregation?

It was determined by the Assembly that the "elders" mentioned in the inquiry are to be henceforth viewed as private church members only, unless they be duly elected and set apart as church officers hereafter.—1798, p. 158.

3. A Ruling Elder without Charge has no Seat in a Church Court.

Resolved, That no ruling elder, who has retired from the active exercise of his office in the church to which he belongs, can be admitted as a member of a Presbytery, Synod, or General Assembly.—1835, p. 489.

4. An Elder cannot hold Office in two Churches at the same time.

The Judical Committee reported that, by permission of the Assembly, a complaint was presented to them by the Rev. Dr. Ashbel Green, in behalf of a minority, against a decision of the Synod of Philadelphia,* recorded on the Synod book, page 168, by which complaint the following question is presented for the decision of the Assembly, viz.:

Is it consistent with the Constitution of this Church for the same individual to hold the office of ruling elder in two different churches at the same time?

When it was resolved by the Assembly that the decision of the Synod be affirmed, and the complaint dismissed.—1827, p. 204.

5. Nor Adjudicate in a Church of which he is not an Elder.

Overture No. 14, viz., the following question from the Presbytery of Salem: "Has a ruling elder in any case a legal right to adjudicate in another church than that of which he is an elder?" was taken up and decided in the negative.—1831, p. 324.

* The Synod having rejected a resolution declaring it lawful for an elder to exercise the office in two different congregations at the same time.

6. An Elder has the same right to sit in Synod as in Presbytery.

Has an elder, whom the discipline of our Church authorizes to sit as a member in Presbytery, from a vacant congregation or united congregations, a right by that discipline to sit in Synod, as a representative of such congregation or congregations?

The question was determined in the affirmative.—1808, p. 403.

7. When an Elder has been Suspended from Church Privileges, and is Restored, he is not thereby Restored to Office.

When an elder has been suspended from church privileges, for an offence, and again restored to the privileges of the church, is he also restored to his office as a ruling elder?" should be answered in the negative. The two things are distinct; and since an elder, as well as a minister, may be suspended from his office, and not from the communion of the church, so there may be reasons for continuing his suspension from his office after he is restored to the privileges of the church. He cannot be restored to the functions of his office without a special and express act of the Session for that purpose, with the acquiescence of the church.—1836, p. 263.

8. Elders are not to Participate in the Ordination of Ministers by the Laying on of Hands.

a. In answer to a communication from the Presbytery of the Western District on the subject of allowing ruling elders to unite in the imposition of hands in the ordination of bishops: The Committee unanimously recommend an adherence to the order, and, until recently, the uniform practice of our Church on this subject, viz.: to allow preaching elders or bishops only to engage in that service,

Which was adopted.—1842, p. 16, O. S.

b. Resolved, That it is the judgment of this General Assembly that neither the Constitution nor the practice of our Church authorizes ruling elders to impose hands in the ordination of ministers." [Yeas 138, nays 7, non liquet 1, excused 2.]—1843, p. 183, O. S.

c. In answer to a request to reverse the above decision, the Assembly—

1. *Resolved*, That in the opinion of this Assembly, the last Assembly, in determining that ruling elders are not authorized by the Form of Government to impose hands in the ordination of ministers, did not depreciate the office of ruling elder, nor did they in any respect contravene the letter or the spirit of the Constitution, or the principles and practice of Presbyterian Churches in Europe or America since the Reformation; but in conformity with both the principles and practice of our own and other Presbyterian Churches, they did decide that as the rite of ordination is simply a declaratory ministerial act, the laying on of hands as a part thereof belongs properly to ordained ministers, while to ruling elders is left unimpaired and unquestioned the full and rightful power of ordering the work of ordination, and of judging in the discipline of ministers in common with those Presbyters who labor in word and doctrine, as in all other cases." [Yeas 154, nays 25.]—1844, p. 370, O. S.

[Against the above action a Protest, signed by twenty-two members of the Assembly, was entered and received. The Protest and the answer of the Assembly may be found in Baird's Collection, revised edition, pp. 75–80.]

d. The Committee on the Polity of the Church reported an answer to

the inquiry, "Ought the eldership to participate in the ordination of ministers by laying on of hands?" as follows:

It is a recognized principle of our Church polity, in accordance, as we believe, with apostolic teaching, that bishops, ministers and elders constitute but one grade or rank of officers in the Christian Church, and hence that in all our Church judicatories they have equal rights and powers. In all the judicial business of the Church all are Presbyters alike. (See Form of Gov., chap. ix., secs. 1, 2, 4; chap. x., secs. 2 to 7; chap. xi., secs. 1, 2; and chap. xii., sec. 2.) Still it cannot be denied that in the Bible a distinction is recognized between those Presbyters who rule only and those who both rule and preach. In the practice of the Presbyterian Church in all its branches this distinction has become very marked. Some are set apart expressly to preach the Gospel and to administer the ordinances of God's house. They are Presbyters in common with others; but as ministers of Christ, they have functions and rights peculiar to themselves, and are required to possess proper qualifications. In the ordination of ministers your committee believe there are two distinct things to be done: 1st. The examination and approval of the candidate. In this all the members of the Presbytery participate alike; and, 2d. The formal act of induction into office, in which, by almost universal consent, as we suppose, only ministers officiate. It is true our Form of Government, chap. xv., sec. 14, speaks of the whole Presbytery as laying on hands and giving the right hand of fellowship. But every statute should be construed consistently with itself and with general usage under the statute. Your committee would suggest that the act of induction is ministerial, not judicial. And as in respect to baptism, the elders, jointly with the pastor, determine who shall be admitted to this ordinance; yet the pastor only administers it; so in ordination—the whole Presbytery determine the fitness of the candidate, but only the ministers present induct into office. This, we believe, has been the universal practice under this rule; and that this usage was intended by the framers of the book seems probable from the fact that in the form of induction those aiding in the service are directed to extend to the new minister their right hands, saying, "*We give you the right hand of fellowship to take part of this ministry with us.*" This language manifestly implies that those welcoming him do themselves occupy places in that ministry to which they welcome him. The committee therefore recommend that the question be answered in the negative. The report was adopted.—1860, p. 242, N. S.

9. Ruling Elders may not Administer Sealing Ordinances.

The Committee on Bills and Overtures reported as follows:

An Overture from the Presbytery of Peoria, on the authority of ruling elders to administer sealing ordinances: The committee recommend that they be referred to the Standards, Directory for Worship, chap. vii., sec. 1, and chap. viii. throughout.

The report was adopted.—1870, p. 22.

10. Ruling Elders may Explain the Scriptures and exhort in the Absence of the Pastor.

On page 10, Vol. IV., of these Minutes, Mississippi Synod takes exceptions to the minute of Louisiana Presbytery; because this Presbytery considers it not inconsistent with the principles of our Church for ruling elders, in the absence of the pastor, to read the Scriptures and explain them, and to endeavor to enforce the truth upon the conscience by suit-

able exhortations. The Assembly believe the Presbytery of Louisiana were right, according to chap. xxi., Form of Government.—1856, p. 538, O. S.

11. The proper Court to try Ruling Elders in a given Case.

The following question from the Presbytery of Genesee was presented by the Committee of Overtures, viz.:

Common fame accuses two ruling elders of a church (they being the only acting elders) of unchristian conduct, which took place several years ago, but which has lately been made known to the Presbytery with which said church is connected. What is the duty of the Presbytery in the case?

Resolved, That the Presbytery is the competent court to try these two elders, and that it is their duty to cite the offending persons before them, and proceed to issue the case.—1825, pp. 142, 144. [See below under Chaps. ix. and xiii.]

CHAPTER VI.

OF DEACONS.

THE Scriptures clearly point out Deacons as distinct officers in the Church, whose business it is to take care of the poor, and to distribute among them the collections which may be raised for their use. To them also may be properly committed the management of the temporal affairs of the Church.

1. Their Functions.—They have no Judicial Power.

a. We need only represent unto you the ends and institution of Scripture deacons, and that there is no juridical power allowed them in the Scriptures.—1715, p. 42.

b. The Temporalities of the Church may be committed to them.

In answer to the inquiry, "What are the nature and duties of the office of Deacon?" we reply: The answer we conceive to be explicitly given in our Form of Government, chapter vi. Their duties there are plainly made to consist in distributing the charities of the church to which they belong to the poor of that church. Over charities collected for any other purpose than those specified, their office gives them no control. In addition to this, the temporalities of the church generally may be committed to their care.—1833, p. 405.

c. The Appointment of Deacons urged.

Overture No. 8, from the Presbytery of Pittsburg, on the subject of Deacons. The committee recommend—in response to the memorial regarding the functions of deacons, and requesting that, in respect to the care of the poor, their business be so defined as not to exclude the poor and the sick *outside the Church*—the adoption of the following resolutions:

Resolved, 1. That the Assembly regards the office of deacon as providing proper scriptural and feasible means for such exercise of charity, as will aid in extending the influence of the Church among the poor, and opening the way for more direct spiritual ministrations.

Resolved, 2. That the Assembly, rejoicing in all that is accomplished by others, express their most decided approval of all institutions for the care of the poor and sick, conducted by Presbyterians, and regarding with pleasure their increasing number, earnestly advises their multiplication.

Resolved, 3. That the Presbyterian Church has always recognized the office of Deacon; and the Assembly renewedly call the attention of the churches to the provisions of the Form of Government in the case. [See chap. xiii., sec. 2d.]—1871, p. 588–89.

2. May a person at once be Deacon and Elder?

Resolved, That while it is important and desirable that the several offices in the Christian Church should be kept distinct, and be sustained by different individuals wherever a sufficient number of competent men can be found, yet in the opinion of this Assembly it is not inconsistent with the constitution of the Presbyterian Church, nor with the precedent furnished in filling the office of Deacon at its first institution, that where a necessity exists, the same individual should sustain both offices.—1840, p. 306, O. S.

3. The Appointment of Deacons Enjoined.

Resolved, That it be enjoined upon all the Presbyteries under the care of the General Assembly to take such order on this subject as shall secure the appointment of Deacons in all the churches, with the exception of those in which it may be impracticable from paucity of male members.—1840, p. 286, O. S.

[The same injunction was renewed 1841, p. 418, and 1856, p. 535.]

4. To the Deacons belongs exclusively the control of Funds for the Poor.

1. Has a Church session any original or direct control over the management and distribution of the fund collected and in the hands of the Deacons for the benefit of the poor of the Church?

2. Or does the management of this fund belong exclusively to the Deacons?

3. If the session has any control over this fund, what is the nature and extent of that control?

The committee recommend that the first inquiry be answered in the negative, the second in the affirmative, and that the third be answered, "They may advise respecting the use of funds." Adopted.—1857, p. 24, O. S.

5. "Is it proper for the Deacons of our Churches to officiate on Sacramental occasions when the Elders are present?"

The Assembly answer, "That inasmuch as we have no rule in relation to the subject, the matter is referred to the discretion of the sessions of the churches."—1867, p. 497, N. S.

6. Deacons may not represent the Church in Church Courts.

The record [Synod of Buffalo], p. 156, would lead to the belief that a Deacon of the Church was admitted to a seat in Synod, which, if so, is in violation of the principles of our Church government.—1860, p. 34, O. S.

CHAPTER VII.

OF ORDINANCES IN A PARTICULAR CHURCH.

THE ordinances established by Christ, the head, in a particular church, which is regularly constituted with its proper officers, are prayer, singing praises, reading, expounding and preaching the word of God; administering baptism and the Lord's supper; public solemn fasting and thanksgiving, catechising, making collections for the poor and other pious purposes; exercising discipline, and blessing the people.

[See under Directory for Worship, Chapters iii., iv., v., vi., vii., viii., xiv., and xv. The subject of collections for pious uses has occupied much of the attention of the Assemblies for many years. In 1854 the Assembly, O. S., issued an address at once comprehensive and exhaustive. See Baird, pp. 174–180. See also under Chapter xviii., sec. ix., on Benevolence and Finance.]

CHAPTER VIII.

OF CHURCH GOVERNMENT, AND THE SEVERAL KINDS OF JUDICATORIES.

I. IT is absolutely necessary that the government of the church be exercised under some certain and definite form. And we hold it to be expedient, and agreeable to Scripture and the practice of the primitive Christians, that the church be governed by Congregational, Presbyterial, and Synodical Assemblies. In full consistency with this belief, we embrace, in the spirit of charity, those Christians who differ from us, in opinion and practice, on these subjects.

II. These assemblies ought not to possess any civil jurisdiction, nor to inflict any civil penalties. Their power is wholly moral or spiritual, and that only ministerial and declarative. They possess the right of requiring obedience to the laws of Christ; and of excluding the disobedient and disorderly from the privileges of the church. To give efficiency, however, to this necessary and scriptural authority, they possess the powers requisite for obtaining evidence and inflicting censure. They can call before them any offender against the order and government of the church; they can require members of their own society to appear and give testimony in the cause; but the highest punishment to which their authority extends, is to exclude the contumacious and impenitent from the congregation of believers.

1. Union of Church and State Disavowed. Relation to the State.

The Committee to whom was recommitted the report on the reference from the Presbyteries of Madison and Lancaster, reported, and their report was adopted, and is as follows, viz.:

That said Presbyteries invite the attention of the General Assembly to certain slanderous reports extensively circulated against the Presbyterian and other denominations, involving the charge of an attempt on the part of these denominations to unite Church and State, and thus subvert the civil institutions of our country, and intimate their desire that this Assembly would take order on the subject, and by some public act disabuse *themselves* and *their* constituents of such unfounded and injurious imputations.

In the opinion of your committee no public act is necessary on the part of this Assembly to refute a charge wholly unsupported by testimony and facts; nor any exposition of their principles in relation to civil magistracy and the claims of the church demanded, other than that contained in our acknowledged ecclesiastical standards, and published to the world. For the better information, however, of any who may be in danger of imposition from unfounded statements, the Assembly would refer to the following exhibition of their principles as contained in the accredited constitution of the church.

"God, the supreme Lord and King of all the world, hath ordained civil magistrates to be under him over the people, for his own glory and the public good, and to this end hath armed them with the power of the sword, for the defence and encouragement of them that are good, and for the punishment of evil-doers.

"It is lawful for Christians to accept and execute the office of magistrate, when called thereunto; in the managing whereof, as they ought especially to maintain piety, justice, and peace, according to the wholesome laws of each commonwealth, so, for that end, they may lawfully, now under the New Testament, wage war upon just and necessary occasions.

"Civil magistrates may not assume to themselves the administration of the word and sacraments; or the power of the keys of the kingdom of heaven; or, in the least, interfere in matters of faith. Yet, as nursing fathers, it is the duty of civil magistrates to protect the Church of our common Lord, without giving the preference to any denomination of Christians above the rest, in such a manner, that all ecclesiastical persons whatever shall enjoy the full, free, and unquestioned liberty of discharging every part of their sacred functions, without violence or danger. And, as Jesus Christ hath appointed a regular government and discipline in his church, no law of any commonwealth should interfere with, let, or hinder, the due exercise thereof, among the voluntary members of any denomination of Christians, according to their own profession and belief. It is the duty of civil magistrates to protect the person and good name of all their people, in such an effectual manner as that no person be suffered, either upon pretence of religion or infidelity, to offer any indignity, violence, abuse, or injury, to any other person whatsoever; and to take order, that all religious and ecclesiastical assemblies be held without molestation or disturbance.

"It is the duty of the people to pray for magistrates, to honor their persons, to pay them tribute and other dues, to obey their lawful commands, and to be subject to their authority, for conscience' sake. Infidelity or difference in religion doth not make void the magistrate's just and legal authority, nor free the people from their due obedience to him; from which

ecclesiastical persons are not exempted; much less hath the pope any power or jurisdiction over them in their dominions, or over any of their people; and least of all, to deprive them of their dominions or lives, if he shall judge them to be heretics, or upon any other pretence whatsoever.*"

"Synods and councils are to handle or conclude nothing, but that which is ecclesiastical; and are not to intermeddle with civil affairs which concern the commonwealth, unless by way of humble petition, in cases extraordinary; or by way of advice for satisfaction of conscience, if they be thereunto required by the civil magistrate.†"

"That God alone is Lord of the conscience, and hath left it free from the doctrine and commandments of men, which are in anything contrary to his word, or beside it, in matters of faith or worship. Therefore they consider the rights of private judgment in all matters that respect religion, as universal and unalienable. They do not even wish to see any religious constitution aided by the civil power, further than may be necessary for protection and security, and at the same time, be equal and common to all others.‡"

Such are the constitutional principles of the Presbyterian Church in these United States. They were our fathers' principles before and during the revolution, which issued in the consummation of our liberty and independence, and under the influence of which they prayed, and fought, and bled, by the side of the father of our country. They have been the principles of their descendants ever since. They are our principles still, adopted from conviction, to whose support we have pledged ourselves under the most solemn sanctions, and by the preservation of which we believe that the common interests of evangelical religion and civil liberty will be most effectually sustained.

In closing this statement the Assembly would affectionately and earnestly exhort the members of their communion that in the fulfillment of their civil and religious duties they watch against all unhallowed feelings, and that they suffer reproach meekly, not rendering railing for railing, nor evil for evil, but by patient continuance in well-doing, they commend themselves to every man's conscience in the sight of God.—1830, pp. 299, 300. [See also under chap. xii., sec. v., 1873, p. 501.]

2. Right of any Judicatory to bear Testimony against Erroneous and Injurious Publications.

Resolved, That in the judgment of this General Assembly it is the right, and may be the duty, of any judicatory of our church to take up, and if it see cause, to bear testimony against any printed publication which may be circulating within its bounds, and which, in the judgment of that judicatory, may be adapted to inculcate injurious opinions; and this whether the author be living or dead, whether he be in the communion of our church or not, whether he be a member of the judicatory expressing the opinion or of some other. A judicatory may be solemnly called upon to warn the churches under its care, and especially the rising generation, against an erroneous book while the author may not be within their bounds, or immediately responsible at their bar, and while, even if he were thus responsible and within their reach, they might not think it necessary to arraign him as a heretic. To deny our judicatories, as guardians of the churches, this right would be to deny them one of the most precious and powerful means of bearing testimony against dangerous sentiments, and guarding the children of the Church against "that instruction which causeth to err." The writer of such a book may reside at a distance

* Conf. of Faith, Chap. xxiii. † Ibid., Chap. xxxi., Sec. 4.

‡ Form of Government, Chap. i., Sec. 1.

from the neighborhood in which his work is circulating and supposed to be doing mischief, or he may be so situated that, even if it be proper to commence process against him, it may not be possible to commence, or at any rate, to issue that process within a number of months. In the mean while, if the right in question be denied, this book may be scattering poison without the possibility of sending forth an effectual antidote. Indeed, it may be indispensably necessary in cases which may easily be imagined, to send out such a warning, even though the author of the book were fully acquitted from the charge of heresy.—1835, p. 485.

CHAPTER IX.

OF THE CHURCH SESSION.

I. The church session consists of the pastor or pastors, and ruling elders, of a particular congregation.

1. A Special Session Unconstitutional.

a. The Presbytery of Miami did appoint a special session composed of elders belonging to different congregations, for the purpose of trying Mr. Lowrey, and the decision of such a special session was affirmed by the Synod of Ohio; therefore,

Resolved, That the appeal of Mr. Lowrey be sustained, and it hereby is sustained; and that all the proceedings in the case be, and they hereby are reversed, on the ground that the appointment of such a special session is entirely unconstitutional; and if Mr. Lowrey has done anything offensive, he ought to be tried by the courts that have been instituted by the Constitution of our Church.—1823, p. 92.

b. This Assembly concur in opinion with the last General Assembly, that the special session appointed by the Presbytery of Miami for the trial of S. Lowrey, was an unconstitutional court, and that all the proceedings of that body in this case, and of the Presbytery of Miami and of the Synod of Ohio, sanctioning the acts of that body, are irregular. And the allegation of the Synod in their memorial that this body, though called a session, was, in reality, no more than a committee of Presbytery, is incorrect, for they are not only denominated a session, but they performed the acts which belong peculiarly to a church session: they sat in judgment upon a member of the church and an elder, and condemned and suspended him; but no Presbytery has authority, according to the Constitution of our Church, to delegate to a committee a power to perform such acts as those. —1824, p. 115.

c. The committee appointed to examine the records of the Synod of Ohio reported. The report was adopted, and is as follows, viz.:

That the minutes be approved to page 191, with the exception of the minutes on page 169, where a select session was appointed by the Presbytery of Miami, which in the judgment of the Assembly was unconstitutional, and of which the Synod has taken no notice.—1824, p. 117.

[For a special case where a session could not act because of the relations of the only elder to the accused, see above, Chap. v., 11.]

d. The Assembly refuses to Legalize a Special Session.

Overture from the Presbytery of Kaskaskia, asking the General Assembly to make provision for the calling of special sessions of ruling elders from neighboring churches to obviate delays in cases of discipline for want of quorums of church sessions.

The Assembly can afford no relief of the nature proposed to the difficulties contemplated.—1860, p. 28, O. S.

2. An Elder may not Adjudicate in any Church in which he is not an Elder.

Overture No. 14, viz., the following question from the Presbytery of Salem, "Has a ruling elder in any case a legal right to adjudicate in another church than that of which he is an elder?" was taken up and decided in the negative.—1831, p. 324.

3. A Minister may not sit as a Corresponding Member of Session nor be assigned as Counsel for the Accused.

May a session of a church invite a minister of the gospel belonging to the same Presbytery or Synod to which the church belongs to sit as a corresponding member of said session? and when so invited, may such minister, at the request of an accused brother, be assigned as counsel for the accused?

The committee recommended that both questions be answered in the negative, and the report was adopted.—1851, p. 20, N. S.

4. Elders must be ordained.—Neglect of Ordination invalidates a Decision.

The Committee on Church Polity reported two questions with the recommendation that they be answered in the negative:—

a. 1st. Is an Elder elect a member of the session, and competent to sit in a judicial case before he has been ordained according to the Form of Government?

b. 2d. Would a decision in a case of discipline, made by a session whose members have never been ordained according to the Form of Government, Chap. xiii., be a valid and lawful decision, and binding upon the accused?

The report was adopted.—1868, p. 58, N. S.

5. Receiving an Elder on a Certificate not used restores him to office.

The same Committee reported the following case and question:

Mr. C., an acting elder of the church of C., having taken a certificate of dismission, and having retained it about three years, returned it to the session of the church of C., giving satisfactory reasons for not using it, and was restored to the membership of the church. Does the receiving again by the session reinstate Mr. C. as an acting elder of the church of C.?

The Committee recommended that the answer be in the affirmative.

The report was adopted.—1868, p. 58, N. S.

[See also Form of Government, Chap. xiii.]

II. Of this judicatory, two elders, if there be as many in the congregation, with the pastor, shall be necessary to constitute a quorum.

1. A Minister with one Elder, if there be but one, may constitute a Quorum.

a. The inquiry, which is in these words, "Can a minister with one elder form a session capable of transacting judicial business?" is sufficiently answered in the Constitution, Form of Government, chap. ix., sec. 2, where it seems to be implied that cases may occur with infant or feeble churches, in which it would be impracticable for a time to have more than one elder, and yet be necessary to perform acts of a judicial character.

For such the Constitution provides; but if there be more than one elder, then two at least, with a minister, are necessary to form a Session. —1836, p. 263.

b. A request from the Presbytery of Muncie, that the Assembly take the necessary steps for procuring such an alteration in the Form of Government, as will enable a minister and one elder to perform sessional acts, when the other elder shall, in the judgment of the Presbytery, be from any cause incompetent to act in the case.

The Committee recommended to the Assembly to adopt the following minute: *Resolved*, that no alteration of our constitutional rules is needful to secure the ends of discipline, in the premises. The report was adopted. —1852, p. 210, O. S.

c. Where an Elder refuses to Act, and has left the Church.

To advise that, if Mr. Armstrong, as alleged, refuses to act as a ruling elder, and has left the church, Mr. Chandler constitutes the session of the First Church of Wilmington, and is entitled to act as such.—1869, p. 911, O. S.

2. Less than a Quorum incapable of any Organic Act.

The law of a quorum is not a mere rule of procedure, a provision of order, but a matter respecting the very being of the judicatory. Any number of members less than a constitutional quorum do not make a judicatory, and are not competent to any organic act.—1861, p. 456, N. S.

[See below, chap. x: vii. 3, 1861, p. 455, N. S.]

III. The pastor of the congregation shall always be the moderator of the session; except when, for prudential reasons, it may appear advisable that some other minister should be invited to preside; in which case, the pastor may, with the concurrence of the session, invite such other minister as they may see meet, belonging to the same Presbytery, to preside in that case. The same expedient may be adopted in case of the sickness or absence of the pastor.

IV. It is expedient, at every meeting of the session, more especially when constituted for judicial business, that there be a presiding minister. When, therefore, a church is without a pastor, the moderator of the session shall be either the minister appointed for that purpose by the Presbytery, or one invited by the session to preside on a particular occasion. But where it is impracticable, without great inconvenience, to procure the attendance of such a moderator, the session may proceed without it.

1. Where a Minister is the Accuser, a Minister should Preside.

After stating the cause and reading the judgment of the session, and the appeal, both parties were fully heard; and the Synod finding, that as the session had not a minister of the Word to preside through the course of the trial, and that a minister was the accuser of the appellant, it was judged it was at least inexpedient to proceed to trial; and upon the whole we think it best, and do remit the matter back to the Presbytery to be heard and judged of by them *de novo*.—1773, p. 447.

2. Who may Moderate a Session in the absence of a Pastor.

a. From the Presbytery of Tombeckbee, the question: Is it orderly that a member of one Presbytery moderate a church session of another Presbytery?—which question the Assembly answered in the affirmative.—1843, p. 198, O. S.

b. 1st. Is it orderly for a session under the care of one Presbytery, to request a minister of another Presbytery to moderate them, without first obtaining leave from their Presbytery?

2d. Is it constitutional for a minister to moderate a session under the care of a different Presbytery from his own, without first asking and obtaining leave of the Presbytery having jurisdiction over said session?

Resolved, That the last Assembly, in deciding that a session may invite a minister who is a member of another Presbytery to sit as their moderator, did not include any of those cases in which it is required either in express terms, or by plain implication (Form of Gov., chap. ix., secs. 3 and 4), that the moderator shall be of the same Presbytery as the congregation; but are of opinion that in cases of a different kind, for which no provision is made, a member of another Presbytery may be invited to act as moderator, if it be found to be expedient.—1844, p. 359, O. S.

c. There is no Provision for inviting any Minister not belonging to the same Presbytery, much less any Minister of the Word.

To an overture from the Presbytery of the District of Columbia in these words, viz.:

Isolated as a church may be, cut off from sister churches, having no ordained minister of the same Presbytery residing within forty miles, would it be competent for the elders, in the absence of the pastor, owing to the great inconvenience of procuring a moderator, to meet and transact the ordinary business of the session, by organizing, without the presence of a minister of the Word, under articles iii. and iv., chap. ix., of the Form of Government?

To this question the Presbytery replied in the negative.

Subsequently the Synod of Pennsylvania, to which the Presbytery belongs, was overtured for its ruling in the case, and reversed the decision of the Presbytery.

The Presbytery, believing that the ruling of the Synod establishes a precedent which may work to the injury of Presbyterian polity, and that the ruling of the Synod is contrary to the spirit and language of the articles iii. and iv., chapter ix., and believing that it is seldom impracticable, especially in our cities, to allow the presence of a minister in a session meeting, and believing that elders will not always be able to decide what "ordinary business" may be, and believing that ministers could equally as well consider it impracticable to convene their elders in sessional meeting; therefore, the Presbytery of the District of Columbia would respect-

fully overture the General Assembly through its commissioner for its ruling in the case.

The Committee recommended the following response, which was adopted:

The question proposed is limited to specified circumstances—namely, "In the absence of the pastor," and "the great inconvenience of procuring a moderator," "having no ordained minister of the same Presbytery residing within forty miles."

The Form of Government, chapter ix., section iii., provides that, in "case of the sickness or absence of the pastor," another minister "belonging to the same Presbytery" may be invited "to preside." There is no provision for inviting any minister not "belonging to the same Presbytery," to preside over a meeting of the session, much less any minister of the Word.

Section iv. declares it to be "expedient at every meeting of the session, *more especially when constituted for judicial business*, that there be a presiding minister;" but, after providing for a moderator, "where a church is without a pastor," and, of course, in the case stated, section iii., it adds, "But where it is impracticable, without great inconvenience, to procure the attendance of such a moderator, the session may proceed without it."

The Committee would, therefore, recommend that the answer to the overture be: That, in cases similar to that stated, the session, under its responsibility to the Presbytery, is the judge of the impracticability of procuring a moderator."—1869, p. 271, N. S.

V. In congregations where there are two or more pastors, they shall, when present, alternately preside in the session.

VI. The church session is charged with maintaining the spiritual government of the congregation; for which purpose they have power to inquire into the knowledge and Christian conduct of the members of the church, to call before them offenders and witnesses, being members of their own congregation, and to introduce other witnesses where it may be necessary to bring the process to issue, and when they can be procured to attend; to receive members into the church; to admonish, to rebuke, to suspend or exclude from the sacraments those who are found to deserve censure; to concert the best measures for promoting the spiritual interests of the congregation, and to appoint delegates to the higher judicatories of the Church.

1. **The Session has Original Jurisdiction over Church Members.**

a. It [the Assembly] has no power to *commence* a process of discipline with an individual offender. That, by a just and wise arrangement, belongs to the session in the case of a layman, to the Presbytery in the case of a minister.—1856, p. 200, N. S.

b. Resolved, That the church of Genoa be referred to the minute of the Assembly formed in the case of David Price in the year 1825, from which it will appear that in the judgment of the Assembly "an admonition" was "deserved" by the said Price in consequence of his unchristian conduct. And it is the judgment of this Assembly that the session ought immediately to have administered such admonition; that they ought still to administer it; and that if the said Price refuse to submit to such admonition, or do not thereupon manifest repentance and Christian temper to the

satisfaction of the church, he ought not to be received into the communion of that or any other Presbyterian Church.—1827, p. 203.

c. The Synod [of Genesee] seems to have forgotten the nature and limits of its appellate as distinguished from the original jurisdiction in the case, in that they censure at their bar the appellant in a way competent in any circumstances only to the session of the church to which the appellant was primarily amenable.—1840, p. 11, N. S.

d. No vote of the congregation of a Presbyterian church can affect the rights of a communing member as such. All such power is vested in the session.—1866, p. 54, O. S.

2. Jurisdiction over a Suspended Member is in the Church which suspended him.

Overture from certain members of the Presbytery of Madison.

We desire to make the following statement and inquiries:

A person is, we will suppose, under suspension in one of our own churches. He removes, and unites, on examination, with another of our churches, the session of the latter one being wholly ignorant of his former membership, and, of course, of his suspension. The facts are, however, afterward discovered.

Would this discovery of itself vitiate his second membership, and leave him simply a suspended member of the former church?

Would unworthiness for church membership, clearly manifested while in the latter church and before said discovery, rightfully add any efficacy toward producing this result?

To the first of the above questions the Committee recommend an answer in the affirmative; to the second, if the question mean whether the Session of the second church has jurisdiction in the case of unworthinesses manifested in the second relation, the Committee recommend an answer in the negative; but if the question mean whether the unworthinesses manifested in the second relation be proper ground of separate process by the session of the first church, the Committee recommend an answer in the affirmative. In respect to the whole case the Committee agree in the statement following:

The person, uniting with the second church on examination, unites deceptively. So soon as the facts in the case are ascertained by the session of this second church, the proper order of procedure is for this session, after conference with the accused person, to strike his name from their roll of church members as not under their jurisdiction, to communicate their action to the session suspending him, with the reasons for it, and to request the said session to proceed against him on separate process for duplicity and disorder.

The reply of the Committee was adopted.—1866, p. 269, N. S.

3. A Church Member may not be Excommunicated on Confession of Heresy without Process.—Confession of Judgment may Shorten Process.

A church member comes before the session, makes a voluntary confession of heretical sentiments, acknowledges a breach of covenant and waives the formality of a trial, in view of and in order to excommunication from the church.

Can such church member be excommunicated on such confession and declaration without the actual process prescribed by the book?

The Committee find that the question thus raised was answered sub-

stantially by the last Assembly (see Minutes, page 12);* and whilst they recommend that the party asking it be referred to that response, they also recommend that the Assembly affirm the impropriety of a church court reaching and recording such grave result of discipline as excommunication from the church without a strict adherence to those forms of fair, impartial trial by which alone the result may be justified. If an accused person confess judgment, the actual process may be shortened, but should not be dispensed with.

The reply of the Committee was adopted.—1866, p. 268, N. S.

4. The vote of the Session is the Reception to Membership.—It must involve Baptism.—The Use and Authority of Local Confessions and Covenants.

The Committee on Bills and Overtures reported on Overture No. 9, making inquiry concerning the relation of persons received, by act of session, during the interval of such reception and the subsequent sacramental Sabbath. The report was adopted, and is as follows:

In answer to the several questions contained in the above overture, the Assembly refers to the Form of Government, chapter ix., section 6, in which the *reception of "members into the church"* is expressly specified as one of the duties and powers of the church session. For this purpose the Session is the church, and its act of admission the act of the church. When, therefore, an applicant for admission by letter is received by a vote of the session, he is at once a member of the church, entitled to all the privileges, and subject to all the responsibilities, of this relation.

The same rule equally applies to candidates for admission into the church on a profession of their faith. The vote of the session is the essential and final act by which they are thus received, and needs no subsequent action of the church to give it reality or validity. The administration of baptism according to the word of God, in the case of unbaptized persons, must, of course, be involved in, and attendant upon, this sessional act, either at the time, which would be entirely proper, or at a subsequent period appointed for this purpose. The session, if thus choosing, may prescribe a public profession of faith before the whole church as a convenient usage, and for this purpose may employ a church confession and covenant. This is the practice with many sessions, and, where this practice is adopted, it is proper that the officiating minister or clerk of the session should report a statement of the fact in accordance therewith, and that the report should be formally entered upon the record of the session.

It is well, however, to remember that the confessions of faith and covenants in use among local churches, though regarded by many as convenient and useful, and certainly sanctioned by a very prevalent usage, are nevertheless not essential to the organization of a church, or the establishment of membership therein, since they are not the authoritative standard of faith or practice in the Presbyterian Church. Such confessions and covenants, with the accompanying form of a public profession, may or may not be used, as shall seem most expedient to the session. Whether used or not, the vote of the session is, by the constitution of the Presbyterian Church, the act on which the membership depends, and, in all cases, the records of the session should be made to correspond with this fundamental principle of the polity of the Church.

*The response was, "That the party asking the above question be referred to the Book of Discipline, chap. iv., and that such session be urged to follow strictly the order laid down therein."—1865, p. 12, N. S.

These principles cover all the points submitted in the above overture. Their application is simple, and hence the Assembly sees no occasion for giving a more detailed and specific answer to the several questions presented for its consideration.—1865, pp. 22, 23, N. S.

5. An Unbaptized Person applying for Admission to the Church must be Baptized.

The Committee on the Polity of the Church reported an overture, asking "whether a vote of a session entitles a person to the privileges of the church, who is not baptized and has not made a public profession of faith." They recommended the following answer:

The vote of session does not entitle an *unbaptized* person to the privileges of the church, for the reason that baptism, as our Confession of Faith declares (chap. xxviii., sec. 1), is declared to be a sacrament for the solemn admission of the party baptized into the visible Church.

The public profession of one's faith may for sufficient reasons, as our Directory of Worship allows, be omitted; but the exceptional case does not respect baptism, which precedes the admission of the party to the Lord's table. The vote of the session to this effect must be conditioned upon the baptism, and can in no case be a substitute for the sacrament itself.

The report was adopted.—1867, p. 496, N. S.

See Directory for Worship, chap. ix., sec. iv.

6. Members of other Churches should be Received only on Certificate.

Nor can the Assembly forbear to regret that the session of the church of Chillicothe had not acted in a more formal manner in receiving Mr. McCalla, and had not required a regular certificate of dismission from the church to which Mr. McCalla belonged before they received him.—1821, p. 21. [See Form of Government, chap. xi., sec. i.]

7. Members should be Received to the Church only by a Session Regularly Constituted.

The Committee to whom was referred the subject involved in so much of the records of the Synod of Cincinnati as relates to the admission of persons to church privileges at the great meetings common in that region, made the following report, which was adopted, viz.:

That they have given this subject a careful consideration, and recommend the adoption of the following resolutions, viz.:

a. 1. *Resolved*, That the order of the churches requires that all persons making a public profession of religion, be introduced to the communion of the church only by an individual session regularly constituted.

b. 2. *Resolved*, That it is the right and duty of sessions to take the exclusive oversight of their respective congregations, and the practice of one session admitting to a Christian profession persons belonging or intending to belong to a congregation under the care of another session, is irregular.—1832, p. 373.

c. The same Committee reported an overture, asking if it be in accordance with ecclesiastical law and order in the Church, to receive members of another church who have not been regularly dismissed, with a view to such a change of relation.

The Committee recommended that, so far as churches in our own connection are concerned, the question be answered in the negative, and refer to the Book of Discipline, chap. xi., sec. 1.

The report was adopted.—1868, p. 58, N. S.

8. Representation in the Superior Courts Required.

a. Mr. McNish's reasons for not bringing an elder or representative with him, were heard and sustained.

Mr. Henry's representative of the congregation being absent, and his reasons for not coming being inquired into, he said the present condition of his people made it necessary that there should be a particular collection made by the congregation for defraying the charges of the representative to the Presbytery, and it was allowed that there should.

The reasons of Mr. Pumry's elder's absence were inquired into and sustained.—1716, p. 43.

b. The Synod do recommend it to the several Presbyteries belonging to their body to call those sessions to account that do not send elders to attend upon the Synod and Presbyteries, and to enjoin these sessions to call those elders to account that do not attend upon judicatories, when sent by them.—1753, p. 256.

9. Attendance on the Superior Courts Enforced.

a. Upon calling over the roll it being found that many of the elders have gone home without leaving any reasons for their so doing, the Synod do order that such elders as do withdraw from the Synod without leave, shall be left to the censure of their sessions, and report made thereof to the next Synod. And the Synod do recommend it to the several congregations to defray the necessary charges that their elders be at, during their attendance upon the Synod.—1735, p. 117.

b. The records of the Synod of Pittsburg were approved, with the exception, "that ruling elders were not called upon for reasons for absence, as in the case of teaching elders.—1859, p. 531, O. S.

10. The same Elder must Represent his Church at an Adjourned Meeting who Represented it at the Stated Meeting.

Exception to the records of the Synod of Columbus, "That on p. 73, this minute is made: Your Committee would recommend that Overture No. 2, 'Can a Session be represented by a different elder at adjourned meetings of Presbytery, be answered in the affirmative. Adopted.' This action of the Synod is in direct variance with a deliverance of the Assembly of 1827."—1872, p. 68.

The deliverance referred to is as follows, viz.:

Resolved, That in the judgment of this General Assembly, the construction of the Constitution, (Form of Government, chap. xxii., sec. 1,) which allows commissioners, after holding their seats for a time, to resign them to their alternates, or which allows alternates to sit for a while and then resign their places to their principals, is erroneous; that the practice growing out of this construction is inexpedient; and that it ought to be discontinued. [Adopted.]—Minutes, 1827, p. 209.

[See the deliverance in full, Form of Government, chap. xxii., sec. ii., on commissioners to the General Assembly. The reasoning adopted by the Assembly, however, applies to the case in hand only when a given subject is adjourned over, as a trial begun, etc. The Assembly of 1827 evidently had not adjourned meetings of Presbyteries in mind.]

11. The Session has no Power to Prohibit Collections Ordered by the Assembly.

a. Ordered, That every minister, according to our former agreement, propose the collection for the fund to his congregation, and as it is a syn-

odical appointment, it is inconsistent with our Church government to be under the check or prohibition of a church session; they indeed may give or withhold their charity, but may not prevent a minister to propose it publicly, according to our appointment." *Ordered*, likewise, That every Presbytery take care of the conduct of their members, how they observe this agreement previous to their coming to the Synod, and that they gather the collection from absent members.—1755, p. 215.

b. Whereas, it appears that some of the congregations under the care of this Assembly, though duly informed of the injunction made at our last sessions respecting the raising of contributions for the support of missionaries to the frontiers of the country, have not complied with the same, the Assembly, therefore, thought proper to continue the above-mentioned order, and do hereby enjoin it on all the Presbyteries to give particular attention that every congregation raise the specified contribution, and that all the contributions be sent forward as soon as possible to the treasurer of the General Assembly.—1790, p. 24.

For powers of the session over house of worship, see under chap. ii., sec. iv., v., *a. b.* above.

For powers of session over church music, see Directory for Worship, chap. iv., sec. iv.

For powers of the session when a congregation is vacant and in settling a minister, see Form of Government, chap. xv., sec. i., par. i., ii. and iv.

VII. The pastor has power to convene the session when he may judge it requisite; and he shall always convene them when requested to do so by any two of the elders. The session shall also convene when directed so to do by the Presbytery.

VIII. Every session shall keep a fair record of its proceedings, which record shall be at least once in every year submitted to the inspection of the Presbytery.

1. The Records Should be Full.

It appearing from the official certificates of the stated clerks of all the courts below, that important documents in evidence before the session which first tried the case of Beck and McMahon were not sent up to the Presbytery and Synod, it is therefore ordered that this case be sent back to the Presbytery of Charleston for a new trial, and that the session of the church of Columbia be directed to correct their record, and to send to the Presbytery an authentic copy of all the evidence and all the documents before them.—1843, p. 186, O. S.

2. Testimony in Judicial Cases must be Engrossed upon the Records.

Also Overture No. 6, from the Presbytery of Catskill, asking whether, in cases of judicial process by church sessions, the testimony of witnesses should be engrossed on the Book of Permanent Record. The Committee recommended that the following answer be given:

The testimony of witnesses, in all cases of judicial process by church sessions, should be engrossed on the Book of Permanent Records. The end to be secured by such a record is indicated in our Book of Discipline, chap. iv., sec. xxiii., where it is required that everything which had an influence on the judgment of the court must be exhibited by the record.

Files are liable to be separated from the Book of Permanent Records, and nothing but what is contained in the Record may be taken into consideration in reviewing the proceedings in a superior court.

The recommendation was adopted.—1862, p. 34, N. S.

3. Records once Approved by a Superior Judicatory may not be Altered by the Inferior.

Also Overture No. 7, from the session of the Church of Wabash, Indiana, on the following questions:

1. After the records of a church session have been examined and approved by the Presbytery, and those of the Presbytery in like manner approved by the Synod, has either the session or the Presbytery a right or any authority to change or erase the record?

2. If not, has the session any legal right to make a second record declaring the first erroneous and void?

The Committee recommended that the following answer be given:

A record, once approved by a higher court, cannot be altered or annulled by a lower one. If there be an error in the record, the remedy is to be sought by an application to the highest judicatory that has endorsed such mistake.

The recommendation was adopted.—1862, p. 34, N. S.

IX. It is important that every church session keep a fair register of marriages; of baptisms, with the times of the birth of the individuals baptized; of persons admitted to the Lord's table, and of the deaths, and other removals of church members.

4. Statistical Reports should show only the Actual Membership.

Resolved, That the Presbyteries be instructed to institute inquiries among the several churches under their care, as to the number of their communicants; so that it may be ascertained, that the utmost care has been taken to clear their church registers of all deceased, dismissed, and lost members; and that it may thus be known what is the actual membership of each of their churches.—1869, p. 272, N. S.

[See Discipline, chap. x., on Jurisdiction.

5. Ordained Ministers not to be Enrolled as Members of the Church they Serve.

Whether ordained ministers of the gospel ought not to be considered church members, and to have their names enrolled on the sessional records of the church, where they are settled as pastors, or stated supplies, which question the Committee recommended to be answered in the negative. Adopted.—1843, p. 176, O. S.

CHAPTER X.

OF THE PRESBYTERY.

I. The Church being divided into many separate congregations, these need mutual counsel and assistance, in order to preserve soundness of doctrine, and regularity of discipline, and to enter into common measures for promoting knowledge and religion, and for preventing infidelity, error, and immorality. Hence arise the importance and usefulness of presbyterial and synodical assemblies.

II. A presbytery consists of all the ministers, in number not less than five, and one ruling elder from each congregation, within a certain district.

1. The Presbyteries Constituted of Ministers at the First.

a. It having pleased divine Providence so to increase our number, as that, after much deliberation, we judge it may be more serviceable to the interest of religion, to divide ourselves into subordinate meetings or Presbyteries, constituting one annually as a Synod, to meet at Philadelphia or elsewhere, to consist of all the members of each subordinate Presbytery or meeting for this year at least: Therefore it is agreed by the Presbytery, after serious deliberation, that the first subordinate meeting or Presbytery, to meet at Philadelphia or elsewhere, as they shall see fit, do consist of these following members, viz.: Masters Andrews, Jones, Powell, Orr, Bradners and Morgan. And the second to meet at New Castle or elsewhere, as they shall see fit, to consist of these, viz.: Masters Anderson, McGill, Gillespie, Wotherspoon, Evans, and Conn. The third to meet at Snow Hill or elsewhere, to consist of these, viz.: Masters Davis, Hampton, and Henry. And in consideration that only our brethren Mr. McNish and Mr. Pumry, are of our number upon Long Island at present, we earnestly recommend it to them to use their best endeavors with the neighboring brethren that are settled there, which as yet join not with us, to join with them in erecting a fourth Presbytery. And as to the time of the meeting of the respective Presbyteries, it is ordered that that be left to their own discretion.—1716, p. 45.

b. Agreed that Messrs Cross, Gilbert Tennant, Francis Alison, Treat, Chesnut, Martin, Beatty, Greenman, Hunter, Ramsey, Lawrence, and Kinkead, be the Presbytery of Philadelphia. Agreed that Messrs, John Miller, Tuttle, Harris, Henry, and Wilson, be a Lewestown Presbytery, and have under their care the congregations in Kent on Delaware, Sussex, Worcester, Somerset, Dorset, Queen Anne's, and Kent in Maryland.—1758, p. 288.

Agreed, that Messrs. Craighead, Black, Craig, Miller, Davies, Todd, Henry, Wright, Brown, and Martin, in Virginia and southward, be the Presbytery of Hanover, to meet for the first time at Mr. Wright's congregation in Cumberland county, on the second Wednesday of July next.—1758, p. 289.

c. An overture was laid before the Assembly, through the Synod of Philadelphia, requesting a division of the Presbytery of Carlisle. Whereupon,

Resolved, That the said Presbytery be divided into two Presbyteries, by

a line along the Juniata River from its mouth up to the Tuscarora Mountain; thence along the Tuscarora Mountain to the head of Path Valley; thence westwardly to the eastern boundary of the Presbytery of Redstone, so as to leave the congregation of Bedford to the south; that the ministers settled south of said line, viz.: Mr. Snodgrass, Mr. Waugh, Mr. Linn, Dr. Nesbit, Dr. Davidson, Mr. Wilson, Dr. Cooper, Mr. Craighead, Dr. King, Mr. Lang, Mr. McPherrin, Mr. Paxton, Mr. Black, Mr. Henderson, Mr. McMurdie, and Mr. Jones, together with all those who have been, or shall be, ordained or admitted, within the limits now prescribed for the Presbytery of Carlisle, since the last annual report from that Presbytery till the time when the said Presbytery shall be dissolved, shall be known by the name of the Presbytery of Carlisle. And also, that the ministers, settled north of the aforesaid line, viz.: Mr. Bard, Mr. John Johnston, Mr. Stephen, Mr. James Johnson, Mr. McGill, Mr. Marten, Mr. Bryson, Mr. Morrison, and Mr. Hoge, together with all those who have been, or shall be, ordained or received, by the Presbytery of Carlisle within the limits prescribed for the Presbytery till the time when the Presbytery of Carlisle shall be dissolved, shall be known by the name of the Presbytery of Huntingdon.—1794, p. 89.

[See also 1802, p. 251, 252. 1805, p. 324, 325. 1826, p. 176. 1827, p. 206. 1832, p. 361. 1848, pp. 20, 21, O. S. Later usage is to specify the congregations within the bounds assigned. A Presbytery may, however, be formed without any organized churches. See 1848, p. 20, O. S. 1851, p. 35, O. S. But not without a definite territory. 1834, p. 441. Nor within the bounds of another Presbytery.—1873, pp. 506, 525.]

d. The Assembly Refuses to erect a Presbytery of less than the Constitutional Number.

Overture No. 20, from eight ministers and ruling elders in the Indian Territory, petitioning for a new Presbytery of that name. The Committee report that it does not appear that the number of ministers now constitutionally requisite for the formation of a Presbytery are found among the petitioners or in the proposed region. They, therefore, recommend that the answer be in the negative. Adopted.—1871, p. 545.

2. Presbyteries should be Bounded by Geographical Limits.

a. Resolved, That, except in very extraordinary cases, this Assembly are of the opinion that Presbyteries ought to be formed with geographical limits.—1834, p. 441.

b. "Elective Affinity" condemned.

Resolved, That the erection of church courts, and especially of Presbyteries and Synods, on the principle of "elective affinity"—that is, judicatories not bounded by geographical limits, but having a chief regard in their erection to diversities of doctrinal belief and of ecclesiastical polity—is contrary both to the letter and the spirit of our constitution, and opens a wide door for mischiefs and abuses of the most serious kind. One such Presbytery, if so disposed, might in process of time fill the whole Church with unsound and schismatic ministers, especially if the principle were adopted that regular testimonials must of course secure the admission of those who bore them into any other Presbytery. Such a Presbytery, moreover, being without geographical bounds, might enter the limits and disturb the repose of any church into which it might think proper to intrude, and thus divide churches, stir up strife, and promote party spirit

and schism with all their deplorable consequences. Surely a plan of procedure in the Church of God which naturally and almost unavoidably tends to produce effects such as these, ought to be frowned upon, and, as soon as possible, terminated by the supreme judicatory of the Church.—1835, p. 486.

[Exceptions were made in behalf of the missionaries among the Indians. Minutes 1826, p. 181; 1828, pp. 246, 247; 1829, p. 259. See New Digest, pp. 130, 131.]

c. Overture No. 2, from the Presbytery of Cincinnati, touching the condition of certain churches in Kentucky seeking connection with us. The Committee recommend that for the present such churches be allowed to connect themselves with the Presbyteries contiguous most to their convenience.

The report was adopted.—1859, p. 17, N. S.

d. No. 3. A memorial from Rev. Benjamin Mills and others, of the Synod of Kentucky, with respect to himself and others, formerly members of the Synod of Kentucky, expressive of their attachment to us and their desire to return to our connection, if, with their views on the subject of slavery, the way may be open to receive them. The committee recommend that these ministers and churches, and others similarly situated, be referred to the Presbytery of Cincinnati or any other border Presbytery; and that such Presbyteries be authorized so to extend their jurisdiction as to receive any such ministers and churches situated near their borders, whose principles and practice are found to harmonize with the position of the Church as expressed and published to the world by former Assemblies.

Adopted.—1859, p. 18, N. S.

3. Ministers without Charge are Constituent Members of Presbytery.

Are ministers without charges constituent members of our church judicatures, and have they an equal voice with settled pastors and ruling elders of congregations in ecclesiastical governments?

In the judgment of this Assembly this question is answered affirmatively, Chap. x., sec. ii., of the Form of Government of the Presbyterian Church, in these words: "A Presbytery consists of all the ministers and one ruling elder from each congregation within a certain district."—1816, p. 615.

[See 1859, p. 533, O. S., chap. x., 8, below.]

4. An Elder without Charge cannot be Admitted to a Seat.

[See above, chap. v., 3.]

5. Non-Residents to be Transferred to the Presbyteries within the Bounds of which they Reside.

The Committee to whom was referred an overture from the Synod of Albany, in regard to non-resident members of Presbyteries, made the following report, which was adopted, viz.:

In conformity with the overture from the Synod of Albany, the Committee would recommend to the Assembly the adoption of the following resolution, viz.:

Resolved, That it be enjoined on the Presbyteries to inquire carefully in regard to any of their members, who may be residing without the bounds of their respective Presbyteries, whether there be sufficient cause for such

non-residence; and if not, that measures be taken to transfer the relation of such ministers to the Presbyteries in the bounds of which they reside. —1836, p. 272.

6. Ministers without Charge must Unite with the Presbytery within whose Bounds they Reside.

5. That ministers without charge are required to unite with that Presbytery, within the geographical limits of which they ordinarily reside, or are nearest to, and to which they shall be amenable for the proper discharge of their ordination engagements.—1870, p. 88.

7. The above Rule Defined and Affirmed.

The Committee on Bills and Overtures reported back Overture No. 32, which was adopted as explanatory of principle 5, page 88, of the Minutes of the Assembly of 1870, as follows:

The Assembly, in reconstructing the Church, did, by the act of reconstruction, design to return to the exact language of the Form of Government, which declares that a "Presbytery consists of all the ministers and one ruling elder from each congregation within a certain district. Ministers residing within the geographical limits of a Presbytery were, *ipso facto* (provided they were in good standing in the Presbytery to which they belonged), members of that Presbytery, and should have been so enrolled."

After the Presbyteries were reconstructed, all ministers uniting with them could only be received by regular letters of dismission and recommendation.

The Assembly also affirms the duty of ministers to unite with the Presbyteries within whose bounds they reside; except where their ministerial labors are in an adjacent Presbytery.—1872, p. 94.

[For a case where a minister was not in good standing, see Discipline, chap. x., sec. iii., 3, case of Jno. F. Severance.]

8. Presbyteries to be Defined by Geographical Lines or Lines of Travel.

1. That each several Presbytery, with the ministers and churches within its limits, be defined as to boundaries by geographical lines, or with respect to the most convenient lines of travel.—1870, p. 88.

9. Presbyteries may not be Organized so as to Cover the same Ground.

a. A memorial from David M. Wilson, of the Presbytery of Kingston, Synod of Tennessee, praying this General Assembly to give an authoritative deliverance in reference to the right of a Synod to organize a colored Presbytery on territory included in Presbyteries already existing.

The Committee on Polity recommend that this request be granted, and that the authoritative deliverance be made according to the definition of a Presbytery, in chap. x., sec. ii., of our Form of Government, viz.: "A Presbytery consists of all the ministers, in numbers not less than five, and one ruling elder from each congregation within a certain district." The General Assembly must forbid the organization of more Presbyteries than one upon the same ground, allowing no distinctions of race or color, or language to interfere with the unity and simplicity of that oversight which the constitution of this Church requires. Adopted.—1873, p. 525.

b. The Committee (on Polity) would give the same reply to the application for a *German* Presbytery that was given to the application for a *colored* Presbytery. (See above.) Adopted.—1873, p. 539.

c. The Committee on the Records of the Synod of Tennessee recommended their approval, except that the organization of a Presbytery as authorized by the action of Synod, recorded on p. 361 (see *a* above), would be irregular, for the reason that the new Presbytery would cover territory already belonging to other Presbyteries, and the same territory thus come under the jurisdiction of different Presbyteries. Adopted.—1873, p. 506.

III. Every congregation which has a stated pastor has a right to be represented by one elder; and every collegiate church by two or more elders, in proportion to the number of its pastors.

Overture No. 17, from a member of the Synod of Pittsburg, as follows:

Is a church having two pastors, one aged or infirm, the other associate or co-pastor, entitled to two elders in Presbytery and Synod? Or what is the meaning of a "collegiate church," in chap. x., sec iii., of the Form of Government?

The Committee recommended this answer:

The general principle of our polity is that there shall be in our church courts an equal number of ministers and ruling elders. But vacant churches are entitled to a representation. The term "collegiate church" is used in two senses, first of a church with more than one pastor; second, of two or more churches united under the care of one pastor.

The report was adopted.—1868, p. 651, O. S.

IV. Where two or more congregations are united under one pastor, all such congregations shall have but one elder to represent them.

1. United Congregations Represented by one Elder.

An overture from the Synod of Mississippi, asking, "When two or more congregations have separately called one and the same minister to become the pastor of each church, and he accepts these calls, and is installed over these congregations as pastor, are these churches entitled to one or more elders to represent them in Presbytery?" The Committee recommended the following resolution, which was adopted, viz.:

Resolved, That the question be answered in the negative.—1847, p. 377, O. S.

[The meaning of the above is that the united congregation are entitled to be represented in Presbytery by one elder.]

2. Where a Minister is Pastor of one Church, and Stated Supply of another, each is entitled to be Represented.

Where a minister is at the same time pastor of one church, and acts as stated supply of another, has each of said churches a right to be represented by its own elder, at the same meeting of the Presbytery or Synod? or does this case come under the rule chap. x., sec. iv., Form of Government?

The Assembly answer, That churches having stated supplies only are not such churches as are contemplated in the article referred to, and

have a right of representation according to the principles of the Form of Government, chap. x., sec. v.—1851, p. 15, N. S.; also 1847, p. 377, O. S.

3. Churches in different Presbyteries under one Pastor, as permitted by the Reconstruction Act.

Overture No. 16, from the Presbytery of Kittanning, asking further action from the Assembly in reference to churches in different Presbyteries united in one pastoral charge.

The Assembly judge any additional action upon the subject to be unnecessary, as the action of the previous Assembly was intended to cover all such cases, and is valid, until repealed.—1872, p. 86.

The action referred to is as follows, viz.:

4. That, when two or more congregations, on different sides of a synodical or presbyterial line, are under one pastoral charge, they shall all, for the time, belong to that Presbytery with which the minister is connected, but only so long as such pastoral relation continues.—1870, p. 88.

V. Every vacant congregation which is regularly organized shall be entitled to be represented by a ruling elder in Presbytery.

1. Every Congregation is Vacant which has not a Pastor duly Installed.

a. Should every congregation be considered as vacant which is not united to any minister in the pastoral relation? and if it should, is not every such congregation entitled to be represented by a ruling elder in Presbytery?

Resolved, That from a comparison of sections iii. and v. of chap. x., Form of Government, it is evident that every congregation without a pastor is to be regarded as a vacant congregation, and consequently, if regularly organized, is entitled to be represented by a ruling elder in a Presbytery.—1843, pp. 190, 196, O. S.

b. When a domestic missionary has organized in his field of labor two or more churches to which he statedly ministers, though not installed as pastor over any of them, are these churches to be considered vacant, and have they a right each to send an elder to represent them in Presbytery?

Answer: That in the cases specified the churches are vacant, and entitled to be represented by elders.—1860, p. 38, O. S.

[See iv., above.]

VI. Every elder not known to the Presbytery shall produce a certificate of his regular appointment from the church which he represents.

VII. Any three ministers, and as many elders as may be present belonging to the Presbytery, being met at the time and place appointed, shall be a quorum competent to proceed to business.

1. A Quorum may be Constituted wholly of Ministers.

a. Resolved, That any three ministers of a Presbytery, being regularly convened, are a quorum competent to the transaction of all business, agree-

ably to the provision contained in the Form of Government, chap. x., sec. vii. [Yeas 83, nays 35.]—1843, p. 196, O. S.

In answer to memorials on this subject, the Assembly—

b. Resolved, That the last Assembly, in determining that three ministers are a quorum of the Presbytery when no ruling elders are present, did not detract in any degree from the dignity and importance of this office, nor did they question the perfect right or duty of elders to be present and take part in all acts of government and discipline, but only declared that according to the true intent and meaning of our constitutional rules, their absence does not prevent the Presbytery from constituting and transacting business if three ministers are present; and this decision is based upon the fact that ministers are not only preachers of the gospel and administrators of sealing ordinances, but also ruling elders in the very nature of their office. [Yeas 134, nays 45.]—1844, p. 370, O. S.

[Against this action of the Assembly a protest was entered by twenty-eight members of the Assembly. For protest and answer see Baird's Collection, revised ed., pp. 71, 75. The Assembly disavows the charges by the following:]

c. Resolved, That this Assembly, in reaffirming those decisions of the last Assembly which have been called in question, design to maintain the purity, order and peace of the Church, and the continued and faithful observance of those principles and regulations which have heretofore been found to consist with true Christian liberty and secure the common welfare of all classes in the Church. Also, they reaffirm and maintain the scriptural authority of the office of ruling elder, and the great importance and solemn obligation of the attendance of elders on the meetings of the judicatories of the Church, and of their equal participation in the exercise of government and discipline.—1844, p. 371, O. S.

2. Less than three Ministers cannot be a Quorum.

The records of the Synod of Genesee were excepted to because the Synod made two clerical members of Presbytery a quorum for business.—1857, p. 387, N. S.

3. Less than a Quorum can do no Presbyterial Act other than to Adjourn.—They cannot Receive a Member, so as to form a Quorum.

The Committee appointed by the last Assembly with reference to a presbyterial quorum presented their report, which was adopted, and is as follows:

The overture is presented in three several branches, and is in the following words, viz.:

1st. Has any number of members of a Presbytery less than a quorum for the transaction of business, as mentioned in the Form of Government, chap. x., sec. vii., authority to transact any business except to adjourn? Have they authority to receive members into the Presbytery, to send delegates to the General Assembly, etc.?

2d. And where members received into the Presbytery by a number less than a quorum take up charges on "common fame" against a minister of the gospel belonging to such Presbytery, is a trial founded on charges so taken up authorized by our Book of Discipline?

3d. Is a Presbytery duly organized, when the moderator and temporary clerk are ministers, who have not been admitted into the Presbytery by a quorum for the transaction of business? And is any business transacted

by a Presbytery so organized constitutional, especially the trial of a minister of the gospel?

The Committee are unanimous and unhesitating in the following views, presented under the several branches of the overture in their order:

As to the first branch of the Overture:

The law of a quorum is not a mere rule of procedure, a provision of order, but a matter respecting the very being of the judicatory. Any number of members less than the constitutional quorum do not make a judicatory, and are not competent to any organic act. Nor can they, by associating others with themselves, under the pretence or form of receiving them as members of the judicatory, make a constitutional quorum. Their acts are simply null and void. *Ex nihilo nihil fit.* This statement applies to every judicatory in the series from the church session to the General Assembly.

Any number of persons less than "three ministers and as many elders as may be present belonging to the Presbytery," do not constitute a Presbytery, and are not competent to do a presbyterial act. Of course they have not "authority to receive members into the Presbytery," nor "to send delegates to the General Assembly." Ministers received by them do not thereby become members of the Presbytery, and, if they assume to act as such, they are simply aliens and intruders. Commissioners sent by them to the General Assembly should not be allowed to sit, when the facts of their appointment are understood.

The doings of such a meeting should not have a place on the records. But if the stated clerk records them, the Presbytery itself, when constitutionally organized, should take action to adopt or disaffirm them; and, in failure of this, the Synod, under its power of review and control, should, on inspection of the records, notice the unconstitutional proceedings, and require the Presbytery to make the necessary correction.

Were it necessary to confirm these positions, it would be sufficient to refer to the decision of the General Assembly (Digest, p. 105) in regard to a quorum of sessions, to the effect, that what is "necessary to constitute a quorum," is "necessary to form a session;" and to the deliverance of the Assembly of 1860 (see Minutes, pp. 260, 261), on an overture respecting certain disorderly proceedings of a church, in which the principle is involved and affirmed, that an "unconstitutional act" is "utterly null and void;" and that "being void," it "works no effect."

As to the second branch of the Overture:

"Taking up charges" is equivalent to "entering process," or "commencing process." (Cf. "Book of Discipline," chap. iii., sec. v., with chap. v., secs. ii. and v.) It is the beginning, or first formal step, of a judicial proceeding; and is of course the act of the judicatory. Now, all the provisions of the "Book of Discipline," in relation to the trial of persons subject to the jurisdiction of a judicatory, presuppose and assume, that "the charges have been taken up," as well as that every subsequent step of the proceedings has been had by the judicatory itself. Hence the "Book of Discipline" does not "authorize" the trial of a minister of the gospel by his Presbytery, "on charges taken up" by individuals usurping its prerogatives, but only on charges taken up by itself.

The "Book of Discipline," however, prescribes (chap. vii., secs. i. and iv.) that "no judicial decision of a judicatory shall be reversed, unless it be regularly brought up by appeal or complaint."

The trial of a minister, under the circumstances proposed in the over-

ture, must be regarded as any other trial, where there has been informality or irregularity in the citation, or other preliminary stages of the process. The trial, with the judgment based upon it, must be respected, until the Synod, as the superior judicatory, shall judge how far the irregularity vitiates the proceedings, and defeats the ends of justice, and shall annul or confirm the same.

As to the third branch of the Overture:

The moderator and clerk are ministerial officers of the judicatory. In respect of their office, they are servants merely, and not members of the body.

Of the clerk, this would seem to be unquestionably true. The constitution knows nothing of the *temporary* clerk as distinguished from the *stated* clerk. As far as any provision of the "Book" is involved, it is plain that a judicatory may select any convenient person, though not a member, to record its transactions, and discharge all other duties pertaining to a clerk. For the part of those duties usually devolved upon the *temporary* clerk, we believe, it is no unfrequent thing for a Presbytery to employ a licentiate, or other person not a member of the body.

Nor does the constitution explicitly, at least, require the *moderator* to be chosen from the members of the judicatory. It does indeed prescribe (chap. xix., sec. ii.) that, in a certain contingency, "he shall possess the casting vote." And as voting is the act of a member, the implication seems to offer itself, that the moderator himself must be a member. But against this implication some other facts of the constitution may be cited. Thus ("Form of Government," chap. ix., sec. iii.), there is the provision for inviting, in certain contingencies, a minister to moderate the church session, who is not the pastor of the church, and of course not a member of the session; while the general law of "Moderators" (chap. xix.) gives him the casting vote. Then, again, the "Form of Government" (chap. xii., sec. vii.) prescribes, concerning the General Assembly, that "the moderator of the last Assembly, if present, or, in case of his absence, *some other minister*, shall preside, until a new moderator be chosen." Under this provision, it is not necessary that the minister called to preside in the Assembly, should himself be in commission. (Digest, p. 173.) It may be said, that this is merely for organization. True. But the whole principle seems to be involved. For the time being, one, not a member of the Assembly, is its moderator, and as such has a casting vote on the numberless issues that may be raised between the formation of the roll and the choice of a new moderator. And in the former case, pertaining to church sessions, no such limitation for mere organization exists. Hence these two points are clearly recognized: 1st. That it is not essential to the idea of a moderator that he be a member; 2d. That the privilege of a casting vote does not necessarily imply membership.

In the United States Senate we have an instance of the moderator being foreign to the body over which he presides. By the constitution of the United States, the Senate "shall be composed of two senators from each State," etc. The senators make the whole body; and yet, by the same instrument, the "Vice-President of the United States shall be President of the Senate," with a casting vote. In the State of New York (as perhaps in other States) the Speaker of the Assembly may have *two* votes, one *as a member* of the body, and the casting vote besides; a fact which rebuts the supposition that the casting vote is an incident of membership.

All this is urged, without respect to the immemorial usage of our church courts, but solely in view of what is essential by the provisions of the written constitution and the nature of the subject.

If these suggestions are sound, then a Presbytery in the position proposed by the Overture is "duly organized," and every business done by it is constitutional—*quoad hoc.*

2. But, if it be not admitted that the constitution allows a Presbytery to choose for its moderator one foreign to its body, it may still be said, the selection of officers is a matter relating not to the *being* of the judicatory (like the presence of a quorum), but to its *form* and *order* merely. An irregularity here does not nullify the body. It is still a judicatory, with all the essential elements, and competent for business. Its business may be constitutional, though done in an unconstitutional way, and liable to correction by a superior judicatory.

3. Besides, though the persons chosen officers "are ministers who have not been admitted into the Presbytery by a quorum," or (which is its meaning) *have been received by a number less than a quorum,* and are not *thereby* constitutionally members, it would still be open to the inference, that the Presbytery (with a constitutional quorum), in choosing such persons to office, thereby virtually affirmed and adopted the previous unconstitutional act, by which they were received into the body, made it their own, and made it good.

Hence, in every view, the committee are clearly of the opinion that, in the case proposed in the third branch of the overture, the answer should be, that the Presbytery is "duly (that is, validly) organized," and competent to any business, including the trial of a minister of the gospel.

Still, it is obvious, that the presence in the Presbytery of persons *received as members by any number less than a quorum,* and in virtue thereof claiming to exercise the privilege of members (whether chosen to office or not), may work great wrong and vexation, by overruling the voice of the majority of the lawful members of the judicatory. And every member has the constitutional right, in some appropriate way, to carry any grievance from this source to the notice of the Synod for correction. We would, therefore, qualify the above answer to this branch of the overture, by adding, that, however the acts of a Presbytery so organized may be irregular, they are not necessarily *void and null* (as where there is the want of a quorum), but *voidable* only in the judgment of the superior judicatory, when brought before it in a constitutional way.—1861, p. 455–459, N. S.

4. Reception of a member by less than a quorum, Sanctioned by the Assembly, as an Exceptional Case.

a. Overture from the Presbytery of Santa Fé on the reception of John Annin without a constitutional quorum; recommending that it be sanctioned, by reason of the singularity of the case. The recommendation was adopted.—1870, p. 49.

b. A similar case.—Overture from the Presbytery of East Florida, with a statement, that owing to the decease of one of their ministers, and the removal of another, they were reduced to a membership of only two ministers; and that by the advice of the stated clerk of the General Assembly, they had at their recent meeting received a third minister, and having thus obtained a constitutional quorum, had transacted the business of their stated meeting.

They ask the Assembly to legalize this proceeding. The Committee recommend that the action of the Presbytery of East Florida, in receiving the Rev. Matthew L. P. Hill, under the circumstances stated in the memorial, be and the same is hereby ratified and confirmed. Adopted.—1871, p. 538.

c. Overture No. 17, from the Presbytery of East Florida, requesting that the action of this Presbytery may be legalized, in receiving as members the Rev. Calvin E. Stowe, D. D., and Rev. James K. Warner, a quorum of members not being present.

The Committee recommend that the request be granted. Adopted.—1872, p. 87.

POWERS OF THE PRESBYTERY.

VIII. The Presbytery has power to receive and issue appeals from church sessions, and references brought before them in an orderly manner; to examine and license candidates for the holy ministry; to ordain, install, remove and judge ministers; to examine and approve or censure the records of church sessions; to resolve questions of doctrine or discipline seriously and reasonably propounded; to condemn erroneous opinions which injure the purity or peace of the Church; to visit particular churches for the purpose of inquiring into their state, and redressing the evils that may have arisen in them; to unite or divide congregations at the request of the people, or to form or receive new congregations, and in general to order whatever pertains to the spiritual welfare of the churches under their care.

I. TO RECEIVE AND ISSUE APPEALS AND REFERENCES.

[See under Appeals, etc., Book of Discipline, chap. vii., sec. i., iii., iv.]

II. TO EXAMINE AND LICENSE CANDIDATES FOR THE HOLY MINISTRY.

1. Licentiates should be Regularly Received.—Caution to be Used.

a. The Presbytery of New Castle expressing some uneasiness at the conduct of the second Philadelphia Presbytery for having received and licensed a certain Mr. John McClean, who, they apprehend, most properly belonged to the Presbytery of New Castle, and had applied to them to be licensed; and while they were taking the proper steps for obtaining more full satisfaction concerning his church membership and Christian character, he in the mean time removed from them and applied to the second Philadelphia Presbytery, and was licensed by them; both the Presbyteries were fully heard in a free conference on this subject and withdrew. The Synod, after mature deliberation, order Mr. McClean to be cited before the Presbytery of New Castle, with power to them to hear the charges against him and issue the affair in a regular manner, and report to the next meeting of the Synod. And the Synod do prohibit the second Philadelphia Presbytery from employing him to preach till the affair shall be concluded.—1772, p. 435.

b. The consideration of the report of the Committee to Examine the Minutes of the Synod of Philadelphia was resumed. The report is as follows, viz.:

Your committee observe in page 24th that although the Synod were informed by the Presbytery of New Castle that a certain Mr. Hindman had put himself under the care of the Presbytery of Donegal for trials, and afterward, without certificate or dismission offered himself to and was re-

ceived upon trials by the Presbytery of Lewes; and though in page 34th the Presbytery of New Castle represent that the said gentleman had been laid under censure by the Presbytery of Donegal, that they had no authentic proof that it was taken off, and that this gentleman had obtained license in opposition to a rule of the Synod of New York and Philadelphia, in their minutes of 1764, pages 79 and 80, yet the Synod recommended it to the Presbytery of New Castle to receive and treat this gentleman as a regular candidate without any decision upon the matters referred to them.

[Whereupon the Assembly]

Resolved, That the Synod be informed that the Assembly disapprove of the proceedings as represented in their records in recommending a candidate to be received as in full standing before they had given a decision upon the allegations against him.—1791, p. 37.

c. At a meeting of the Presbytery of New Castle in Wilmington upon the first Tuesday of January, 1791, and continued by adjournment, the Rev. James McCoy, of Morris county Presbytery, with a commissioner from Queen Ann's congregation, applied to be received as a member of this Presbytery. As Mr. McCoy had been under trials for licensure in the Presbytery of New York, and was licensed and ordained by the Presbytery of Morris, this Presbytery agreed not to receive him as a member until his case be laid before the General Assembly at their next stated meeting.

The General Assembly, upon considering this case, determined that neither the Presbytery of New Castle nor any other Presbytery ought to receive Mr. McCoy into their connection until he shall have produced a certificate from the Presbytery of New York of his having given them the satisfaction which his case requires.—1791, p. 38.

[See chap. xiv. of licensing candidates or probationers to preach the gospel.]

III. TO ORDAIN MINISTERS.

2. Ordination by a Commission of Presbytery.

a. The Presbytery having seen Mr. George Gillespie's certificates, from the Presbytery of Glasgow, concerning his being licensed to preach, and his conversation, did approve of them, and in case Providence make way for his ordination, by a call from any congregation before next Presbytery, Mr. Andrews, McNish, Anderson, and Morgan, are ordered to ordain him, and that one of the said members, or two, as they shall see fit, preach at the solemnity.—1712, p. 26.

b. The business of Mr. Wotherspoon and the people of Apoquinimy came again into consideration, upon which the Presbytery appointed as follows, that Masters Andrews, Anderson, Powell, Jones, and Gillespie, do manage in the affair between Mr. Wotherspoon and the people of Apoquinimy, that after a formal call presented before them by the said people of Apoquinimy, they, at their own discretion, appoint the said Mr. Wotherspoon to pass his trials before them, and that if they shall be fully satisfied as to his qualifications, they proceed to his ordination, and settlement among that people.—1713, p. 34.

It was reported by the ministers appointed to transact the affair relating to Mr. Wotherspoon's ordination, that they, in compliance with the last year's minutes, did solemnly by prayer, fasting, and imposition of hands, ordain the said Mr. Robert Wotherspoon, unto the sacred function

and office of the ministry, to the Presbyterian congregation at Apoquinimy, upon the 13th day of May, 1714.*

c. A unanimous call from the people of Welsh Tract to Mr. David Evans, being presented to us and approven, we offered it to him, which he accepted; whereupon it was appointed as follows, viz.:

That Messrs. Jedediah Andrews, Jones, Anderson, Gillespie, and Wotherspoon, solemnly ordain him to the work and office of the ministry, after having been satisfied with his ministerial abilities, in any pieces of trial they shall think fit to appoint him.—1714, p. 36.

[See Minutes of General Presbytery, *passim.*]

d. The appointment of the Synod with respect to the ordination of Masters John Clement and William Stewart, was complied with. They being solemnly set apart to the work of the ministry by the Rev. Masters Samuel Davis, John Hampton, and John Thompson, at Rehoboth, in Somerset county, in Maryland, upon the — day of June, 1719.—1719, p. 55.

[See, also, case of John Griffith, ordained by a Presbytery *pro re nata*, appointed by Synod.—1758, p. 289.]

3. Ordination by Foreign Bodies not approved.

The Assembly took up the report of the Committee on Overture No. 3, which was laid on the table; which being read and amended, was adopted, and is as follows, viz.:

Whereas, many of the ministers, who are to supply the vacant churches and destitute places in the more new and growing parts of our Church, must, for some time to come, continue to be educated in the older sections of our country, and at a great distance from the field where they are to be employed; and whereas, it is important to the happy and useful settlement of these ministers, in their several fields of labor, that they should enjoy the full confidence of the ministers and churches among whom they are to dwell; and whereas, the ordination of ministers in the presence of the people among whom they are to labor, is calculated to endear them very much to their flocks, while it gives their fathers and brethren in the ministry an opportunity of knowing their opinions and sentiments on subjects of doctrine and discipline; and whereas, our Form of Government seems to recognize the right and privilege of each Presbytery to examine and ordain those who come to the pastoral office within their bounds, and who have never before exercised that office; therefore, *Resolved*,

That it be earnestly recommended to all our Presbyteries, not to ordain, *sine titulo*, any men, who propose to pursue the work of their ministry in any section of the country where a Presbytery is already organized to which they may go as licentiates and receive ordination. 2. That the several bodies with which we are in friendly correspondence in the New England States, be respectfully requested to use their counsel and influence to prevent the ordination, by any of the Councils or Consociations, of men who propose to pursue the work of the ministry within the bounds of any Presbytery belonging to the General Assembly of the Presbyterian

* *Memorandum.*

It being appointed the last Presbytery, that the ordination of Mr. Robert Wotherspoon should be left to the discretion of diverse ministers who are named in the minutes; the said members having heard him preach a popular sermon on Heb. vi. 19, received his *exegesis* on a question *de sanctorum perseverantia*, taken on account of his skill in the original languages, and likewise his attainments and orthodoxy in theological matters, to their satisfaction, did on the 13th day of May, 1714, set apart the said Mr. Wotherspoon unto the work of the minis y.—1714, p. 35.

Church; and that the delegates from this Assembly to those bodies respectively be charged with communicating this resolution.—1834, p. 428.

4. Lay Ordination Invalid.

a. The Committee to whom was referred Overture No. 15, viz., on ordination by a deposed minister or by laymen, made the following report, which was adopted, viz.:

That this paper contains a letter from a minister in South Carolina to the stated clerk, requesting him to obtain a decision of the General Assembly on the question, "whether the ordination of a minister of the gospel by the interposition of the hands of the laity is valid." That the answer to this question should be in the negative is so obvious and evident on all correct principles of ecclesiastical order, that your Committee are of opinion that it is unnecessary for the General Assembly to give any further consideration to the subject.—1832, p. 366.

b. The Committee on Overture No. 3, viz., a question from the Presbytery of Bethel respecting holding communion with the followers of William C. Davis, a deposed minister, and calling themselves Independent Presbyterians, reported that in their judgment the questions proposed in said overture ought to be answered in the negative. They therefore would recommend the adoption of the following resolution, viz.:

Resolved, That while this Assembly readily acknowledges the right of the session to determine according to the Scriptures and the Constitution of our Church the qualifications for admission to sealing ordinances, yet they feel it to be their duty to declare that in their judgment the services of those who have received only lay ordination and of those who have been deposed from the gospel ministry are unscriptural and unwarrantable, and therefore an attendance on their ministrations cannot be in the order of the gospel, and ought to be discouraged and discountenanced by every friend of the Redeemer's kingdom.—1833, p. 407.

5. Rule in respect to Receiving a Minister from another Denomination.

a. The consideration of the report of the Committee to which had been referred the question of validity of ordination in the case of a Baptist elder was resumed, and the report being read, was adopted, and is as follows, viz.:

It is not among the principles or usages of the Presbyterian Church to consider the ordination of ministers by other Protestant churches as invalid; on the contrary, the Presbyterian Church has always considered the ordinations of most other Protestant churches as valid in themselves, and not to be repeated when those who have received them become members of the Presbyterian Church. Nor is it perceived that there is any sufficient reason why the ordinations in the Baptist Church should not be considered as valid, and be sustained as such.

But while the Presbyterian Church can act as has now been stated in regard to ordinations, it is among those principles and usages which she regards as most sacred and important, to secure for her churches both a pious and a learned ministry, and she cannot admit of any usage or exercise any apparent liberality inconsistent with security in this essential particular. On the whole, therefore, the Committee recommend the following resolution:

Resolved, That when applications are made by ministers of the Baptist or any other Protestant denomination to be connected with the Presbyte-

rian Church, the Presbytery to which the applications are made shall require all the qualifications both in regard to piety and learning which are required of candidates for licensure or ordination of those who have originally belonged to the Presbyterian Church; and shall require the applicants from other denominations to continue their study and preparation till they are found on trial and examination to be qualified in learning and ability to teach in the manner required by our standards; but that when found to be thus qualified, it shall not be necessary to reordain the said applicants, but only to install them when they are called to settle in Presbyterian congregations.—1821, p. 23.

b. Overture No. 19. A request of the Rev. J. G. Montfort that the Assembly answer the following question: "Is it the duty of Presbyteries, when elders or deacons from the Methodist Episcopal Church apply to become ministers in our Church, to recognize their ordination as sufficient, or to ordain them as in the case of other candidates?"

The Committee recommended that the overture be answered by a reference to the action on the subject of the General Assembly of 1821. The report was adopted.—1852, p. 210, O. S. [See 8, below.]

6. Ordination Procured by Fraud Valid, but the Presbytery should Depose.

Is the ordination of a minister valid which has been procured by forgery and unwarrantable means?

Confining the answer of the Assembly to this case as verbally explained, this question is answered in the affirmative, but that the Presbytery should in such case proceed immediately to depose him.—1843, p. 198, O. S.

7. Ordination on the Sabbath Day Inexpedient, but left to Discretion of the Presbytery.

An overture was received from the Presbytery of Orange, requesting the opinion of the General Assembly on the question whether it be proper to ordain licentiates to the office of the gospel ministry on the Sabbath day. The General Assembly think it would not be for edification to adopt a uniform rule on the subject. In general they think it is not expedient that ordinations should take place on the Sabbath, yet that there may be cases in which urgent or peculiar circumstances may demand them. The Assembly therefore judged it best to leave it to the Presbyteries to act in this concern as they may judge that their duty requires.—1821, p. 10.

8. The Reasons for Receiving an Ordained Minister from another Denomination to be Recorded.

The Committee of Overtures brought in the following resolution, which, having been read and amended, was adopted, and is as follows, viz.:

Resolved, That in the opinion of this Assembly the decisions of the General Assembly in 1792, and referred to by the Assembly of 1800, respecting the reordination of ministers regularly ordained in the Methodist Episcopal Church, and desiring to connect themselves with the Presbyterian Church in the United States of America, however expedient at the time of its formation, ought not to be considered as a precedent to guide the future decisions of the judicatories of this Church; and that the Presbyteries under the care of this Assembly, when they receive into their connection an ordained minister from any other denomination, be careful to record the circumstances of the case and the reasons which induced them to receive such ordained minister.—1810, p. 441.

9. Leave to Ordain Refused where there is no Presbytery.

Overture No. 34, a memorial from the Presbytery of New York, referring to this Assembly the following case: Application was made to the Presbytery of New York in April to receive by letter from the Presbytery of Cincinnati, the Rev. John Beveridge, now a resident of Northern Mexico, and to authorize the Rev. Andrew J. Park, now a member of the Presbytery of New York, and residing in Northern Mexico, and the Rev. John Beveridge, when received by the Presbytery, to ordain to the work of the ministry, if the way be clear on examination, Mr. Brigide Sepulveda, a converted Roman Catholic priest.

The Committee recommend the following answer:

Resolved, That inasmuch as there is no Presbytery, and not a sufficient number of ministers of whom to form a Presbytery, in Northern Mexico, such request be not granted. In consideration, however, of the urgency and peculiarity of the case, the Board of Foreign Missions are hereby instructed to defray the expenses of Mr. Sepulveda's journey to and from New York for his ordination by the Presbytery of New York, if the way be clear.—1871, p. 592.

IV. TO INSTALL MINISTERS.

10. The Cognizance of Settling Pastors belongs to Presbytery.

That it belongs to the Presbyteries to take cognizance of the proceedings of sessions and congregations in the important concern of settling pastors, and to adopt the most effectual measures on the one hand to prevent all undue delay by the session, or the people, and on the other, to prevent all precipitancy in the settlement of any minister, or the adoption of any system of proceedings in the congregation inconsistent with the real and permanent edification of the people.—1814, p. 560.

11. A Pastoral Relation Recognized without Instalment.

That it appears evident to this Synod, that Mr. Tennent having in all respects acted, and been esteemed, and looked upon, not only by this Synod, but also by the congregation of Neshaminy, and particularly by the appellants themselves, as the minister and pastor of the people of Neshaminy, that he is still to be esteemed as the pastor of that people, notwithstanding the want of a formal instalment among them (which omission, though the Synod doth not justify, yet it is far from nullifying the pastoral relation between Mr. Tennent and said people), and consequently that the Synod doth justify the judgment of the Presbytery of Philadelphia in reference to that matter, and that said appellants had no just cause of complaining against or appealing from said judgment of the Presbytery.—1736, p. 127.

12. The Presbytery may Refuse to Install even where Parties are Agreed.

When a congregation and minister agree on the amount of salary to be paid and received, and both parties being fully satisfied, request the pastoral relation to be constituted according to the order of the Presbyterian Church, has Presbytery the right to refuse to install, because, in their judgment, the salary is insufficient?

Answered in the affirmative.—1855, p. 272, O. S.

[See under Form of Government, chap. xv.]

V. TO REMOVE MINISTERS.

13. The Presbytery has Power to Dissolve a Pastoral Relation at its own Discretion.

a. Overture No. 22, from the Synod of Illinois, asking the following question, viz.:

Has a Presbytery the constitutional power to dissolve the pastoral relation against the remonstrance of the pastor and a majority of the church, when a large and influential minority of the church request it, by petition, and in the judgment of Presbytery the interests of religion in that congregation require it?

Your Committee beg leave to recommend the following answer, viz.:

The General Assembly think that the Presbytery has the constitutional power to dissolve the pastoral relation, according to chap. x., sec. viii., and chap. xviii. of our Book; but that great regard ought to be had to expediency in all such cases.

Adopted.—1860, p. 39, O. S.

b. [The same question was asked the next year, and answered by referring to the Minutes above, with the caution:] "That such power should in all cases be exercised with the greatest caution and discretion, and that the reasons for such action should be always fully recorded."—1861, p. 306, O. S.

14. A Synod, on Appeal, Directs the Dissolution of the Pastoral Relation, and is Sustained.

Your commission had this case several days before them, and bestowed upon it careful consideration; and have unanimously determined to report to the Assembly that the sense of this commission is, that the interests of the church of Hopewell require the dissolution of the pastoral relation, and that they agree with the decision of Synod, and they recommend the following minute:

This Assembly recognizes the right of each congregation to decide whether a pastor is acceptable to them, and the wishes of a majority are to be set aside only for weighty reasons; yet such a state of things may exist between the pastor and a portion of his people, as shall require, for the fair name of religion, that the relation be dissolved. And for this reason the appeal and complaint of Joseph Connell against the Synod of Pittsburg is not sustained.—1868, p. 649, O. S.

[See the case in full below, chap. xvii. 5.]

15. A Pastor may not be Dismissed to a Body other than that to which his Church belongs.

The Committee report Overture No. 2: "Is a member of Presbytery, desirous of withdrawing connection with our Church to *a foreign body at a distance*, entitled to a letter of dismission and recommendation on *demand*, while occupying the position as pastor of one of our churches?"

The Committee report, that he is not thus entitled.

The report was adopted.—1861, p. 471, N. S.

VI. TO JUDGE MINISTERS.

16. The Presbytery alone must Judge of the Fitness of its Members.

Your Committee doubted the correctness of the order given by the Synod to the Presbytery of Geneva, to reconsider their proceedings on the subject of the admission of the Rev. Shipley Wells, a constituent

member of that Presbytery, which order, though it be not appealed from, appears to have given rise to the protest in question.

The Synod of Geneva were beyond doubt, in the opinion of your Committee, competent to censure the Presbytery of Geneva for admitting hastily, and on slight evidence, into their body, an unworthy or even a suspicious character. But it is, in the opinion of your Committee, equally clear, that the right of deciding on the fitness of admitting Mr. Wells, a constituent member of the Presbytery of Geneva, belonged to the Presbytery itself; and that having admitted him, no matter how improvidently, their decision was valid and final. The individual admitted became a member in full standing; nor could the Presbytery, though it should reconsider, reverse its own decision, or in any way sever the member so admitted from their body, except by a regular process. Adopted.—1816, p. 612.

17. A Presbytery may Reject an Applicant.

A complaint and appeal of Rev. Thomas Ledlie Birch against certain proceedings of the Presbytery of Ohio in the case of Mr. Birch, particularly for refusing to receive him as a member of their body, on the ground of a supposed want of acquaintance with experimental religion, together with a representation of the congregation of Washington, in the bounds of the said Presbytery, on the subject, was brought in by the Committee on Bills and Overtures.

Subsequently *Resolved*, That no evidence of censurable procedure in the Presbytery of Ohio, in the case of Mr. Birch, has appeared to this house, inasmuch as there is a discretionary power necessarily lodged in every Presbytery to judge of the qualifications of those whom they receive, especially with respect to experimental religion.—1801, pp. 213, 218.

18. But not without Sufficient Reasons.

a. A complaint was brought in by the Rev. Mr. George Duffield against the Second Philadelphia Presbytery, that they had, by one of their members, obstructed his entrance into a church in this city under their care, to which he had accepted a call, and had also refused to receive him as a member, although he was dismissed from, and recommended by, the Presbytery of Donegal, which was read.

After having maturely considered this matter, the Synod judge that Mr. Duffield has just cause of complaint against the conduct and judgment of the Second Philadelphia Presbytery, who ought to have admitted him to membership with them, and allowed him a fair trial; wherefore we now declare him to be minister of the Pine Street or Third Presbyterian congregation in this city, and order that he be put upon the list of the aforesaid Presbytery.—1773, p. 446.

b. Resolved, That the appeal of the Presbytery of Abingdon from the decision of the Synod of Virginia, in the case of the Rev. Robert Glenn, be dismissed, on the ground that the substantial cause of appeal has been removed by the act of that Presbytery, in their receiving Mr. Glenn, in conformity with the decision of the Synod. The appeal was accordingly dismissed.—1822, p. 55.

19. Rule as to a Member of an Extinct Presbytery.

The Committee appointed to consider the overture sent up by the Presbytery of Baltimore respecting the course proper to be pursued by a Presbytery when a minister with a certificate of good standing from a

Presbytery which has no longer any existence applies for admission, but is supposed to be chargeable with some offence subsequently to the date of that certificate, made the following report, which was adopted, viz.:

That after the most attentive consideration of the question presented in said overture, it appears to them that the proper answer is embraced in the following particulars, viz.:

1. It is well known that the Book of Discipline of our Church expressly provides that when a minister shall be dismissed by one Presbytery with a view to his joining another, he shall always be considered as remaining under the jurisdiction of the Presbytery which dismissed him until he actually becomes a member of another. In the case stated in the overture, however, as the dismissing Presbytery had become extinct, it was physically impossible to act according to the letter of this rule. In these circumstances every principle of sound interpretation seems to direct that in ordinary cases the Presbytery into which admission is sought should receive the applicant, and if he be charged with any offence, conduct the process against him.

2. Nevertheless, it is the privilege of every Presbytery to judge of the character and situation of those who apply to be admitted into their own body, and unless they are satisfied, to decline receiving the same. A Presbytery, it is true, may make an improper use of this privilege, in which case the rejected applicant may appeal to the Synod or the General Assembly.

3. When any minister dismissed in good standing by an extinct Presbytery is charged with an offence subsequently to the date of his dismission, the Presbytery to which he applies for admission not only may, if they see cause, decline receiving him, but if their own situation be such that there is no prospect of their being able to conduct process against him in an impartial and efficient manner, ought to decline admitting him into their body.

4. In this case ministers dismissed by an extinct Presbytery and not received into any other are to be considered as under the direction of their proper Synod, and ought to be disposed of as the Synod may order.—1825, p. 146, 147.

20. How Ministers and Licentiates from Corresponding Bodies are to be Received.

The Committee appointed by the General Assembly of 1829 to consider and report to the Assembly of 1830 on the manner in which ministers and licentiates are to be received into any of our Presbyteries from ecclesiastical bodies in the United States which correspond with this General Assembly, made the following report, which was adopted, viz.:

That in their judgment every licentiate coming by certificate to any Presbytery in connection with the General Assembly from any portion of a corresponding ecclesiastical body, should be required to answer in the affirmative the constitutional questions directed by chap. xiv. of our Form of Government to be put to our own candidates before they are licensed; and that in like manner every ordained minister of the gospel, coming from any church in correspondence with the General Assembly by certificate of dismission and recommendation, should be required to answer affirmatively the first seven questions directed by chap. xv. of our Form of Government to be put to one of our own licentiates when about to be ordained to the sacred office.

The course which is thus recommended by the Committee they believe

has been generally practiced by our Presbyteries, and the impropriety of admitting strangers into our connection on other terms than our own licentiates and ministers is too obvious to require remark. It is the assent of licentiates and ministers to these questions which brings them under the watch and care of the Presbyteries which receive them, and without which they ought not to enjoy the privileges of preachers of the gospel in our ecclesiastical connection.—1830, p. 287.

21. Ministers Dismissed in Good Standing should be Received on their Testimonials.

Resolved, That a due regard to the order of the Church and the bonds of brotherhood require, in the opinion of this Assembly, that ministers dismissed in good standing by sister Presbyteries should be received by the Presbyteries which they are dismissed to join, upon the credit of their constitutional testimonials, unless they have forfeited their good standing subsequently to their dismissal.—1834, p. 440.

22. The Right of Presbytery to Satisfy Itself.

1. *Resolved*, That in the judgment of this General Assembly, it is the right of every Presbytery to be entirely satisfied of the soundness in the faith, and the good character in every respect, of those ministers who apply to be admitted into the Presbytery as members, and who bring testimonials of good standing from sister Presbyteries, or from foreign bodies with whom the Presbyterian Church is in correspondence. And if there be any reasonable doubt respecting the proper qualifications of such candidates, notwithstanding their testimonials, it is the right and may be the duty of such a Presbytery to examine them, or to take such other methods of being satisfied in regard to their suitable character as may be judged proper, and if such satisfaction be not obtained, to decline receiving them. In such case it shall be the duty of the Presbytery rejecting the applicant to make known what it has done, to the Presbytery from which he came, with its reasons, it being always understood that each Presbytery is in this concern, as in all others, responsible for its acts to the higher judicatories.—1835, p. 485.

[The Assembly of 1837 refers to the above action, and declares:]

This Assembly do now render it imperative on the Presbyteries to examine all who make application for admission to their bodies at least on experimental religion, didactic and polemic theology and church government.—1837, p. 429.

[The New School Assembly of 1838 adopted the following:]

Whereas, it is the inherent right of Presbyteries to expound and apply constitutional rules touching the qualifications of their own members, therefore,

Resolved, That the action of the last Assembly making it imperative on the Presbyteries to examine all who make application to their bodies, not excepting ministers coming from other Presbyteries, is null and void.—1838, p. 660, N. S.

23. A Presbytery may not give a Qualified Dismission nor Receive a Minister except on a Letter of Dismission.—Where Reception is Void, the Name should be Stricken from the Roll.

Can a Presbytery under any circumstances rescind its action in the reception of a member? The Committee recommends the following answer:

It appears in the case referred to in this overture that a minister, having taken a qualified letter of dismission from his Presbytery, was received by the Presbytery to which he was dismissed upon other testimonials.

It is the opinion of this Assembly,

1. That no Presbytery has the right to grant qualified letters of dismission to any of its members.

2. That no Presbytery can receive a minister except upon a letter of dismission from the Presbytery to which he belongs.

3. That the action of the Presbytery in the case referred to, in receiving said minister, being void, the proper course would have been to strike his name from the roll, and notify the Presbytery to which he belonged of his irregularity.

The report was adopted.—1869, p. 922, O. S.

24. The Presbytery may Dismiss to a Presbytery to be Erected.

Overture No. 22, on the following question submitted by a member of the General Assembly: "Can a Presbytery dismiss a minister to connect himself with a Presbytery to be formed in a specified district?"

The Committee recommend that it be answered in the affirmative, provided some higher court has given authority for the formation of such Presbytery.

The report was adopted.—1867, p. 350, O. S.

25. To Dismiss by a Committee is Unconstitutional.

a. The report of the Committee on the reference from the Presbytery of Cayuga relative to the constitutionality of a rule of that body which had been laid on the table, was taken up. The rule of the Presbytery of Cayuga referred to the Assembly is as follows, viz.: The moderator for the time being and the stated clerk ex-officio were appointed a committee to grant letters of dismission to ministers without charge, and to licentiates and candidates under the care of this Presbytery, to unite with other Presbyteries, and were directed to report at each stated meeting.

In relation to this rule the following resolution, reported by the Committee, was adopted, viz.:

Resolved, That the rule hitherto acted upon by the Presbytery of Cayuga is inexpedient and unconstitutional.—1830, p. 302.

b. Also Overture No. 16, from the Presbyteries of Steubenville and Washington, asking whether it is competent and constitutional for a Presbytery to appoint a committee to dismiss unsettled ministers, licentiates and candidates without a call for the body to assemble. This question has already been decided by the General Assembly in the negative. (See Minutes of the General Assembly for 1830, p. 302.)

The report was adopted.—1865, p. 569, O. S.

c. The same Committee further reported Overture No. 5 as follows: "May a Presbytery authorize its stated clerk during the intervals of its sessions to grant, at their own request, letters certifying the regular standing and dismission of its members to join other ecclesiastical bodies in connection or correspondence with the General Assembly?" The Committee recommend that the above question be answered in the negative.

The report was adopted.—1865, p. 12, N. S.

[See Book of Discipline, chap. x., on Jurisdiction.]

26. Reception of Foreign Ministers.—The Rule.

[The original rule on this subject may be found in the Minutes for 1735, p. 118. Action was also taken in 1773, p. 448, and 1774, p. 455. In 1784 the matter forced itself anew upon the Synod, and particular care was enjoined upon all its members, 1784, p. 504. See also Baird's Collection, Revised Edition, pp. 254, 257. In 1798, p. 148, the Assembly adopted "regulations intended to embrace and extend the existing rules." In 1800 these regulations were modified and amended, and constitute the present Rule, viz.:]

I. When any minister or licentiate from Europe shall come into this country, and desire to become connected with the Presbyterian Church in the United States, he may apply to any committee appointed to direct the services of traveling ministers and candidates; which committee shall inspect his credentials, and, by examination or otherwise, endeavor to ascertain his soundness in the faith and experimental acquaintance with religion; his attainments in divinity and literature; his moral and religious character, and approbation of our public standards of doctrine and discipline. If the result shall be such as to encourage further trial, said committee may give him appointments to supply and recommend him to the churches till the next meeting of the Presbytery to which such committee belongs. It shall then become the duty of such minister or licentiate to apply to that Presbytery, or to any other in whose bounds he may incline to labor; provided always, that he make his application to the Presbytery at their first meeting after his coming within their bounds; and also, that immediately on coming within the bounds of any Presbytery, he apply to their committee to judge of his certificate of approbation, and, if they think it expedient, to make him appointments; or, if it shall be more convenient, the application may be made to the Presbytery in the first instance; but it shall be deemed irregular for any foreign minister or licentiate to preach in any vacant church till he have obtained the approbation of some Presbytery or committee of Presbytery, in manner aforesaid.

The Presbytery to which such minister or licentiate may apply, shall carefully examine his credentials, and not sustain a mere certificate of good standing, unless corroborated by such private letters, or other collateral testimony, as shall fully satisfy them as to the authenticity and sufficiency of his testimonials. After inspecting any evidences of his literary acquirements which may be laid before them, the Presbytery shall enter into a free conversation with him, in order to discover his soundness in the faith and experimental acquaintance with religion. If they shall obtain satisfaction on these several articles, they shall proceed to examine him on the learned languages, the arts, sciences, theology, church history and government; nor shall they receive him, unless he shall appear to have made such attainments in these several branches as are required of those who receive their education or pass their trials among ourselves. But if, upon the whole, he appears to be a person worthy of encouragement, and who promises usefulness in the Church, they shall receive him as a minister or candidate on probation, he first adopting our standards of doctrine and discipline, and promising subjection to the Presbytery in the Lord. During this state of probation he may preach the gospel where regularly called, either as a stated or occasional supply; and if an ordained minister, perform every part of the ministerial functions, except that he may not vote in any judicatory, or accept a call for settlement.

If the foreigner who shall apply to any Presbytery or committee, as

aforesaid, be an ordained minister, such committee and Presbytery may, at their discretion, dispense with the special examination on literature in this act prescribed, provided he shall exhibit satisfactory evidence that he has received such education, and made such progress in languages, arts, and sciences, as are required by the constitution of our Church as qualifications for the gospel ministry. But in all other respects, the examination shall be the same as in the case of a licentiate.

If from prospects of settlement, or greater usefulness, a minister or licentiate under probation in any Presbytery, shall wish to move into the bounds of another, he shall receive a dismission, containing a certificate of his standing and character, from the Presbytery under whose care he shall have been; which certificate shall entitle him to the same standing in the Presbytery into whose bounds he shall come, except that from the time of his coming under the care of this latter Presbytery, a whole year shall elapse before they come to a final judgment respecting his reception.

When any foreign minister or licentiate, received on certificate, or pursuant to trials in any Presbytery, shall have resided generally and preached within their bounds and under their direction, for at least one year, they shall cause him to preach before them (if they judge it expedient), and taking into consideration, as well the evidence derived from their former trials as that which may arise from his acceptance in the churches, his prudence, gravity, and godly conversation, and from the combined evidence of the whole, determine either to receive him, to reject him, or to hold him under further probation. In case of receiving him at that, or any subsequent period, the Presbytery shall report the same to their Synod at its next meeting, together with all the certificates and other testimony on which they received them; or, if it shall be more convenient, this report may be made to the General Assembly. The said Assembly or Synod, as the case may be, shall then inquire into the proceedings of the Presbytery in the affair, and if they find them to have been irregular or deficient, they shall recommit them to the Presbytery, in order to a more regular and perfect process. But if the proceedings had in the Presbytery appear to have been conformable to this regulation, they shall carefully examine all the papers laid before them by the Presbytery, or which shall be exhibited by the party concerned, and considering their credibility and sufficiency, come to a final judgment, either to receive him into the Presbyterian body, agreeably to his standing, or to reject him.

In order, however, to facilitate the settlement of foreign ministers as soon as may consist with the purity and order of the Church, it is further ordained, that if the proper Synod or the General Assembly are not to meet within three months after that meeting of a Presbytery at which a foreign minister on probation is expected to be received, the Presbytery may, if they see cause, lay his testimonials before the meeting of the Assembly or Synod which shall be held next before said meeting of the Presbytery. If this Assembly or Synod shall approve the testimonials, they shall give the Presbytery such information and direction as the case may require, and remit the same to them for final issue. In all other cases, it shall be deemed irregular for any Synod or General Assembly to receive a foreign minister or licentiate, until he shall have passed his period of probation, and been received and reported by some Presbytery, in manner aforesaid.

No minister or licentiate, after being rejected by one Presbytery, shall be received by another, or if received through mistake or otherwise, he shall be no longer countenanced or employed, after the imposition is dis-

covered. If, however, any minister or licentiate shall think himself aggrieved by the sentence of any Presbytery, he shall have a right to carry the matter by complaint to the proper Synod, or to the next General Assembly, giving notice thereof to the Presbytery during the meeting at which the sentence was pronounced, or at the meeting next following.

These regulations and provisions relative to the reception of foreign ministers and licentiates, are to be considered as coming in place of all that have heretofore been established on this subject; and all judicatories and individuals under the care of the Assembly are to regard them accordingly.—1800, pp. 200–202.

27. The Rule Enforced.

a. The Committee appointed to examine the records of the Synod of Albany, recommend that they be approved, "excepting the case of receiving a foreign licentiate, by the Presbytery of St. Lawrence, without laying their proceedings in the case before the Synod, or General Assembly."—1822, p. 38.

b. Papers touching the reception of the Rev. William Windle, a foreign minister, to the Presbytery of Philadelphia.

These were remitted to that Presbytery, inasmuch as no record of its proceedings in the case had been placed in the hands of the Committee, by which they might ascertain how far the Presbytery has complied with the order of the Assembly, in such cases made and provided.—1852, p. 221, O. S.

c. Overture No. 4, was taken up, viz.: An application from the Presbytery of Watertown, for leave to receive Mr. William Lockhead, a foreign licentiate, who, after being under the care of the Presbytery of Champlain for five months, had been dismissed to the Presbytery of Watertown, and had been under the care of the latter Presbytery since the 9th of February last. The Presbytery of Watertown requests, that the Assembly will allow them to take into the account, for the term of trial, the time which Mr. Lockhead spent on trials in the Presbytery of Champlain. On this request the Assembly resolved, that the standing rule which requires that the foreign licentiate must spend a year in the Presbytery to which he is dismissed, be not dispensed with.—1830, p. 299.

[See a similar case, 1858, p. 273, O. S.]

28. Rule applies to one Seeking to be Restored.

A reference from the Presbytery of St. Clairsville, of the case of the Rev. Samuel Boyd, who having retired in good standing from the Presbyterian ministry in Ireland in 1842, on account of a change in his views of Infant Baptism, now seeks a restoration to the exercise of the ministry among us, inasmuch as he adopts again, with full conviction, the whole Confession of our Faith.

The Committee recommended that the Presbytery of St. Clairsville be instructed to proceed according to the rule relating to foreign ministers, the probation of one year commencing at the time of their next stated meeting. The recommendation was adopted.—1849, p. 239, O. S.

29. Privilege Lost by a Return to Europe.

An application from the Presbytery of Philadelphia for advice and direction in the case of Rev. James T. Irvine. The facts of the case are these:

In the year 1825, Mr. Irvine was received as a foreign licentiate on pro-

bation by the Presbytery of Philadelphia; after the term of probation had expired, he was dismissed to the Presbytery of Huntingdon, and by that Presbytery ordained and installed in one of their churches. In the year 1834, he returned to Ireland, where he became the pastor of a church, and remained until the present year.

The question to which the Presbytery wish an answer from the General Assembly is,

Does Mr. Irvine come under the denomination of a foreign minister, and is he subject to the rules in such cases provided? And if he be liable to the usual probation, may his probation be considered as commencing from the time in which he has made his present application to Presbytery, viz., from the 4th of April, 1848?

The Committee recommend that both questions be answered in the affirmative.

The recommendation was adopted.—1848, p. 22, O. S.

30. The Rule Applies to Canada.

An overture from the members of the Presbytery of Michigan, asking if the rule of the General Assembly in relation to foreign ministers coming from Europe, should apply to ministers coming from Canada:

The Committee recommended that the Assembly answer in the affirmative; excepting only when such ministers have been ordained in the United States, and by any Presbytery of our communion. The recommendation was adopted.—1849, p. 256, O. S.

The Committee on the Polity of the Church reported a request from the Presbytery of Miami, to receive the Rev. J. L. Gourlay, a foreign minister, as a member of that body. The Committee find that the said Rev. J. L. Gourlay furnished testimonials as being in good standing in the Canada Presbyterian Church, was duly examined by the Presbytery of Miami, and has served as a probationer under the care of that body for one year, in accordance with the rules of the General Assembly of 1800. See Baird's Digest, pp. 259, 260.

On the recommendation of the Committee, the request was granted.—1870, p. 30.

31. An Exceptional Case.

The Rev. J. Gillespie offered a paper, stating that the Rev. Samuel H. Thompson, who received his theological education at Princeton Theological Seminary and was licensed by the Presbytery of New Brunswick, but has since been in connection with a Presbytery in Ireland, from which he has brought a regular certificate, now holds a call to a church in the Presbytery of Ohio; whereupon it was *Resolved*, That in the special circumstances of this case, Mr. Thompson be recognized as a minister in regular standing in our Church.—1869, p. 1155, O. S.

32. Relaxation of the Rules Refused.

The Committee further report an application, from the Fourth Presbytery of New York, for such a modification of the rules in the Digest, as will facilitate the reception of ministers from foreign bodies, with whom we are upon terms of fraternal correspondence. The Committee can see and appreciate the fact, that, in the great changes which have occurred, bringing the ends of the earth near together, instances of seeming hardship may occur; still in their judgment the time has not yet come, when it is wise for this Assembly to introduce the change in our arrangements

referred to; and they therefore recommend that no action be taken by the Assembly in the premises.—1855, p. 26, N. S.

33. Waived in Case of a Minister from a Presbytery in Correspondence.

The Committee on the Polity of the Church reported the following question:

Will the Committee on Church Polity consider the question of an amendment to the standing rules of the General Assembly, touching the reception of foreign ministers, so as to except from the application of these rules ministers coming directly from well-known charges or positions, and bringing satisfactory testimonials, where the Presbyteries into which they are to be received have previously signified their approval of the transfer from fields abroad to fields within their bounds?

The Committee recommend as an answer to this question that so much of the regulations and provisions relative to the reception of foreign ministers (see Digest, p. 117) as regards the probation through which such ministers must pass, before the Presbytery come to a final judgment of their reception, may, at the option of any Presbytery, be waived in those cases in which the transfer is directly from a Presbytery in correspondence with this Assembly, and in which cases the approval of the transfer by such Presbytery has been previously signified.

The Presbytery receiving such a minister is strictly enjoined to make a careful record of all the facts in the case.—1869, p. 281, N. S.

The report was adopted.

34. Rule Repealed as to Ministers from the Presbyterian Churches of Great Britain.

Overture No. 11, on receiving ministers from foreign countries. The Committee recommend the adoption of the following:

Inasmuch as intercourse between the Presbyterian churches of Great Britain and our General Assembly is now much more frequent and intimate than in former years, affording the opportunity for mutual acquaintance, and knowledge of the character and standing of the ministers in the different churches of both countries; therefore,

Resolved, That the regulation requiring ministers coming among us from the Presbyterian churches of Great Britain, to submit to a year's probation before maintaining ministerial standing, is no longer necessary, and is hereby repealed. Adopted.—1872, p. 70.

35. Jurisdiction of Members Non-Resident.

See Book of Discipline, chap. v., secs. iii., iv., and chap. x., sec. ii.

36. A Presbytery may not Restore one Deposed by Another.

Also, Overture No. 19, being a memorial of the Rev. George D. Stewart and others, that the General Assembly would take action and give relief in the case of Rev. Michael Hummer, who, having been deposed by the Presbytery of Iowa, had been restored by the Presbytery of Highland, against the remonstrance of the Presbytery of Iowa, just as if he was an independent minister.

It is recommended that this General Assembly declare that it is irregular and unconstitutional for any Presbytery to receive and restore a member of another Presbytery who has been deposed; and therefore the action

of the Presbytery of Highland in restoring Mr. Hummer was improper; and the Presbytery of Highland is directed to reconsider its action, and proceed according to the requirements of the constitution.

The report was adopted.—1862, p. 608, O. S.

37. One who has withdrawn can be Restored only by the Presbytery from which he withdrew.

Mr. David Austin, who had been formerly a member of the Presbytery of New York, and had withdrawn from the Presbytery and the Presbyterian Church, appeared before the Assembly and renewed his request of last year to be again received into ministerial communion and regular standing in the Presbyterian Church. Mr. Austin, having been fully heard in support of his petition, withdrew; when the Assembly, after maturely considering the case,

Resolved, That as it would be disorderly for this Assembly to restore Mr. Austin to his standing in the Presbyterian Church in the form in which it is sought by him, inasmuch as he withdrew from the Presbytery of New York, against whom he makes no complaint, and to whom, of course, he ought to apply, so this Assembly, in the course of the discussion had on the subject of Mr. Austin's application, have had before them sufficient evidence that it is inexpedient at present to recommend his reception by any judicature of this Church. Yet the Assembly are willing to hope that the time may come when the restoration of Mr. Austin to his former standing may take place to his own satisfaction and the edification of the Church.—1802, p. 238.

38. A Minister neither Suspended nor Dismissed may not be Stricken from the Roll.

[In 1830 the Rev. Theodore Clapp, having adopted a system of doctrine at variance with the Confession of Faith, communicated the fact to the Presbytery of Mississippi, of which he was a member, and requested a dismission to join the Hampshire County Association of Congregational Ministers of Massachusetts. Hereupon the Presbytery adopted a series of resolutions refusing the dismission, but declaring that "the Rev. Theodore Clapp is no longer either a member of this body or a minister of the Presbyterian Church." The whole business came before the Assembly upon a complaint of a minority of the session of the First Church, in New Orleans, with consent of the Presbytery carried up to the General Assembly.—*Baird.*]

Resolved, That since the Rev. Theodore Clapp has neither been dismissed nor suspended by the Presbytery of Mississippi, he ought to be regarded as a member of that body, and that in the opinion of this Assembly they have sufficient reasons for proceeding to try him upon the charge of error in doctrine.—1831, p. 340.

39. The Name of one Suspended is to Remain upon the Roll.

The records of the Synod of Northern Indiana approved except that on page 54, the Synod censure the Presbytery of Michigan for retaining the name of Mr. Nicoll on the roll after suspending him from the gospel ministry. Your Committee are of the opinion that the name of a suspended minister should be retained on the roll of Presbytery till they proceed to the higher censure, though he be deprived of the exercise of his ministerial functions.

The report was adopted.—1847, p. 398, O. S.

40. Deposition does not Necessarily Infer also Excommunication—When both are Intended, it should be so Expressed.

a. The Committee to which was referred the consideration of a report made by the committee which had been appointed to examine the records of the Synod of Geneva reported, and their report being read, was adopted, and is as follows, viz.: That the records of the Synod be approved to page 45, with the exception of a resolution in page 28, which declares that a deposed minister ought to be treated as an excommunicated person. In the judgment of this Assembly, the deposition and excommunication of a minister are distinct things, not necessarily connected with each other, but when connected ought to be inflicted by the Presbytery to whom the power of judging and censuring ministers properly belongs.—1814, p. 549.

b. Overture No. 20. A question submitted by John Warnock of Alabama, "Does deposition from the ministry exclude from church privileges?" The Committee recommended the following resolution, which was adopted, viz.:

Resolved, That though the causes which provoke deposition are almost always such as to involve the propriety of exclusion from the sacraments, yet the two sentences are not essentially the same, the one having reference to office and the other to the rights of membership, and therefore, Presbyteries should be explicit in stating both when they mean both. When, however, a Presbytery interpret deposition to involve suspension from the sacraments, and pronounce the censure in that sense, the sentence obviously includes both.—1848, p. 34, O. S.

41. The Name of a Deposed Minister to be Published in case he does not Cease from Ministerial Functions.

Resolved, That it be recommended to the Presbyteries under the care of the General Assembly when they shall depose any of their members from the exercise of the ministerial office, and when any person so deposed shall, without having been regularly restored, assume the ministerial character, or attempt to exercise any of the ministerial functions, that in such case, with a view to prevent such deposed person from imposing himself on the churches, Presbyteries be careful to have his name published in the Assembly's magazine as deposed from the ministry, that all the churches may be enabled to guard themselves against such dangerous impositions.—1806, p. 360.

42. MISCELLANEOUS QUESTIONS PERTAINING TO MINISTERS.

1. Ministers who Withdraw from the Work of the Ministry.

a. Inasmuch as Mr. Stevenson has from time to time and for years past neglected attending on our judicatures, and also omitted his ministry without giving us any reasons for his said conduct, it is therefore agreed that his name shall be struck out of our records till he come before us and give an account of his proceedings.—1741, p. 156.

b. If Persistent, to be Regularly Excluded or Deposed.

That if any minister of the gospel, through a worldly spirit, a disrelish for the duties of his office, or any other criminal motive, become negligent or careless, he is by no means to be suffered to pursue this course so as at length to be permitted to lay aside the ministry without censure, because this would be to encourage a disregard of the most solemn obligations by opening a way to escape from them with impunity.

But in all such cases Presbyteries are seasonably to use the means and pursue the methods pointed out in the word of God and the rules of this Church to recall their offending brother to a sense of duty; and if all their endeavors be ineffectual, they are at length regularly to exclude or depose him from his office.

If any cases or questions relative to this subject arise in Presbyteries which are not contemplated by the provisions of this rule, such cases or questions should be referred to the General Assembly for a special decision.—1802, p. 259.

c. Presbyteries to Inspect the Fidelity of their Members.

The constitutional remedy for these evils is in the hands of the Presbytery, to whom it belongs to ordain, install, remove and *judge* ministers (See Form of Government, chap. x., sec. viii.); and whose duty it is to inspect the fidelity of those whom they have solemnly set apart to the work of the ministry by the imposition of hands.—1834, p. 450.

d. Reasons to be Required and Recorded, with Approval or Disapproval.

That when ministers have withdrawn, or may hereafter withdraw, from the work of the ministry, wholly or in part, it be enjoined upon the Presbyteries to which they belong to require of such ministers their reasons for so doing, which reasons are to be put upon record by the Presbytery, with an expression of their approbation or disapprobation of the same.—1834, p. 450.

e. To be called to Account and Dealt with.

That those ministers who give up the regular and stated work of the gospel ministry as their main work, except it be for reasons satisfactory to their Presbyteries, should be called to an account by the Presbyteries to which they belong, and dealt with according to the merits of their respective cases. And the justifiable cause for which any minister gives up his work should be stated on the minutes of his Presbytery at the time, with the approval of the body.

f. That all our Presbyteries be directed, at their first stated meeting after the rising of this Assembly, to require such ministers in their bounds as are not regularly engaged in their covenanted work, as their chief business, to give an account of themselves; and the Presbyteries shall take such order in the premises as is consistent with this minute, and report their doings specially to their respective Synods, and to the next Assembly.—1842, p. 28, O. S.

g. Compliance with the Rule of 1834 *Enforced.*

1. That the attention of the Synods be called to the rule adopted by the General Assembly of 1834. (Minutes, page 450. See *d*, above.)

2. That the Synods be required at their next regular meeting to obtain replies from their several Presbyteries to the two following questions, namely:

(1.) Whether the above recited rule of the Assembly of 1834 has been observed by the Presbytery.

(2.) Whether proper discipline has been exercised, in cases where the reasons for withdrawal from ministerial duty have been disapproved by the Presbytery; and also in cases of habitual absence from the meetings of the Presbytery without the rendering of sufficient excuse.

The report was adopted.—1869, p. 263, N. S.

h. From the Presbytery of Elizabethtown, asking the Assembly, "for the relief of our minutes, our ecclesiastical courts, and our ministerial name, to define whether a minister who turns aside from his calling, not from bad health or moral delinquency, to some secular employment, should demit the sacred office, or be denied the full immunities of the Presbytery."

Resolved, 1st. That the former deliverances of the Assembly on that subject, to wit, in the years 1802, 1834 and 1839 (see *b*, *d*), are sufficient.

Resolved, 2nd. That the Presbyteries be enjoined to execute the rule of the Assembly of 1834, as to any members "who have withdrawn in whole or in part, without justifiable cause, from the work of the ministry."—1869, pp. 935, 936, O. S.

2. When Providentially Incapacitated, Ministerial Privileges Remain.

Resolved, That it is a principle of this Church that no minister of the gospel can be regularly divested of his office except by a course of discipline, terminating in his deposition; that if any minister, by providential circumstances, become incapable of exercising his ministerial functions, or is called to suspend them, or to exercise them only occasionally, he is still to be considered as possessing the ministerial character and privileges; and his brethren of the Presbytery are to inspect his conduct; and while they treat him with all due tenderness and sympathy, they are to be careful that he do not neglect ministerial duty beyond what his circumstances render unavoidable.—1802, p. 258.

3. Rights of Ministers without Charge to a Seat in Church Courts.

a. The Committee to which was referred the overture from the Presbytery of Baltimore, in the following words, viz., "Are ministers without charges constituent members of our church judicatures, and have they an equal voice with settled pastors and ruling elders of congregations in ecclesiastical governments?" reported, and their report being read and amended, was adopted, and is as follows, viz.:

In the judgment of this Assembly, this question is answered affirmatively, chap. ix., sec. 2, of the Form of Government of the Presbyterian Church, in these words: "A Presbytery consists of all the ministers and one ruling elder from each congregation within a certain district."—1816, p. 615.

b. The Committee to whom was referred Overture No. 9, relative to the right of ministers without charge to a seat in our judicatories, made their report, which, after some discussion, was referred to a committee consisting of Dr. Blythe, Dr. Hoge, Mr. Montfort, Mr. Elliot, and Mr. A. O. Patterson, to take the subject into consideration, and report to the next General Assembly.—1835, p. 492.

The report of the Committee on the rights of ministers without charges to a seat in the judicatories of the Church, was taken up, and indefinitely postponed.—1836, p. 294.

c. Overture in Relation to the Right of Ministers not engaged in the Ministerial Work to sit in Church Courts.

According to the constitution of our Church, ministers, as such, whether with or without charge, are of equal power and privilege. If the defection of any minister from the duties implied in his ordination vows is serious enough to disfranchise him, it is sufficiently serious to call for the orderly exercise of discipline. The remedy, therefore, for the evil complained

of lies with the Presbyteries, and cannot be reached by any action of the Assembly. Touching the alleged inequality between the ministers and the elders in our judicatories, it need only be remarked that the number of vacant churches in a growing land like this greatly exceeds the number of unemployed ministers, and in the Church at large the elders could at any time obtain a large majority, if disposed so to do. Apprehending no danger in this direction, and recognizing no antagonism between the teaching and the ruling elders in the Church, this Assembly sees no reason for special action in the case, leaving the Presbyteries in our large cities, where ministers without charge are prone to collect, to deal with them in an orderly manner as their wisdom may suggest.—1859, p. 533, O. S.

4. May a Minister hold a Civil Office?

The Committee to whom was referred the communication from the Presbytery of Ohio respecting the Rev. Boyd Mercer and his letter to the moderator of the Assembly, exhibited their report.

The report, having been read and amended, was adopted, and is as follows, viz.:

With respect to the abstract question, whether the tenure of a civil office be or be not incompatible with that of the holy ministry, the Assembly is of opinion that there is nothing in the holy Scriptures, or in the Constitution, acts or proceedings of the Presbyterian Church in these United States, expressly prohibitory of such union of offices.

With respect to the particular case referred to their consideration, as Mr. Mercer in his letter expressly asserts that it is not his intention to decline the office of the holy ministry, and that he was led to devote himself for the present to the functions of an associate judge by a state of health so infirm as to interrupt the regular discharge of his public duties as a minister of religion, your committee are of opinion that the Presbytery of Ohio ought not to censure him unless there be some circumstances in the case unknown to the Assembly.

That none, however, may so far misconstrue these sentiments as to persuade themselves that they countenance a covetous, ambitious spirit, your committee further beg leave to suggest the propriety of cautioning your clergy against worldly-mindedness; of exhorting them not to aspire after places of emolument or civil distinction; of reminding them that the cure of souls is their peculiar business, and that they who serve at the altar ought, as far as possible, to avoid temporal avocations.—1806, p. 363. Reaffirmed.—1808, p. 399.

5. He may hold the Office of Chaplain in the Army or Navy.

a. Application was made to Synod by Mr. Beatty, desiring to know their mind with respect to his going as chaplain to the forces that may be raised in the Province of Pennsylvania, if he shall by the Government be called to that service. The Synod do judge it to be his duty.—1756, p. 275.

b. Application having been made to Mr. Beatty by Colonel Armstrong to serve as chaplain to the first battalion of the Pennsylvania Provincials for the ensuing campaign, he requested the advice and judgment of this Synod with respect to his duty therein. The Synod do unanimously agree that it is his duty to go.—1758, p. 282.

c. 'Tis allowed that Messrs. Alexander McDowel and Hector Allison go as chaplains to the Pennsylvania forces, and that Mr. Kirkpatrick go with the New Jersey forces, the ensuing campaign.—1760, p. 302.

d. The First Philadelphia Presbytery report that they have ordained Mr. Israel Evans and Mr. William Lynn to qualify them to act as chaplains in the army to which they had been appointed.—1776, p. 472.

e. Also ordained Mr. Robert Keith to qualify him to act as a chaplain in the army.—1777, p. 477.

f. A reference from the Presbytery of Philadelphia on the propriety of their ordaining to the work of the gospel ministry a licentiate under their care who now holds the office of a chaplain in the navy of the United States was considered, whereupon the Assembly resolved,

That this judicature of the Presbyterian Church feels a deep and lively interest in the spiritual welfare of the mariners of this country, and especially of those who are engaged in the naval service of our Union; and that the Assembly therefore will rejoice if any Presbytery under its care has the opportunity of ordaining any well-qualified persons, men of piety and learning, with a view to their rendering permanent ministerial services to large congregations of our fellow-citizens who dwell in ships-of-war.—1826, p. 171.

6. Demission of the Ministry.

a. There being from time to time complaints of the weakness and deficiency of Mr. Robert Laing, rendering his exercise of the ministerial function a detriment to the interest of religion, and rather a scandal than an help to the gospel, the Synod advised him to demit the whole exercise of the ministry, and not to take it up again but by the approbation of at least three ministers of the Presbytery wherein he may reside; the said Mr. Laing did quietly and humbly acquiesce in the aforesaid advice.—1726, p. 84.

b. The Presbytery of New York report that the Rev. Mr. William Woodhull, one of their members, appeared before them at their last meeting, and stated to them his situation, as being still incapable of exercising his ministry by his continued indisposition, and the little, or rather no, probability of his ever being able to attempt the exercise of it in future, and that he was at the same time engaged in certain secular employments that would seem to render it improper to have his name in their records as a member, while he is incapable of attending their meetings, or discharging any of the great duties of his ministry, and therefore submits to them the propriety of their continuing and considering him as a member from time to time; and that the Presbytery, on considering his situation, thought it best to leave his name out of their records in future, till he shall be able to return to the exercise of his ministry, an event that would give them great pleasure.

The Synod considered the above report, and are of opinion that Mr. Woodhull ought to be continued a member of the Presbytery of New York, and therefore direct that Presbytery to insert his name in their roll.—1783, p. 497.

c. In consequence of Mr. Joseph Montgomery's having informed them [the New Castle Presbytery] that through bodily indisposition he was incapable of officiating in the ministry, and having also accepted an office under the civil authority, they have left his name out of their records.

The Synod disapprove of the conduct of the Presbytery of New Castle, in striking the name of Mr. Montgomery off their roll for the reasons given in their report; neither of which, nor both together, seem to be sufficient; and in future recommend to all Presbyteries, when any ministers under their inspection resign their charge, or discontinue the exercise of their

office while they remain in the same bounds, to pass a regular judgment on the reasons given for such conduct; and continue their inspection of those who shall not have deserved to be deprived of the ministerial character, though they may be laid aside from immediate usefulness.—1785, pp. 507, 510.

d. By a report from the Presbytery of Lewes, it appeared that a minister, heretofore a member of that Presbytery, had been declared to be no longer a member thereof; and, as the Assembly were informed, is considered by them as divested of the ministeral office, and this without deposition, suspension, or censure; wherefore,

Resolved, That it is a principle of this Church that no minister of the gospel can be regularly divested of his office except by a course of discipline, terminating in his deposition. That if any minister, by providential circumstances, become incapable of exercising his ministerial functions, or is called to suspend them, or to exercise them only occasionally, he is still to be considered as possessing the ministerial character and privileges; and his brethren of the Presbytery are to inspect his conduct; and while they treat him with due tenderness and sympathy, they are to be careful that he do not neglect his ministerial duty, beyond what his circumstances render unavoidable.—1802, p. 258.

[In 1858 an overture was sent down by the Assembly, O. S., proposing to add to chap. xv., Form of Government, three sections providing for the demission of the ministry.—p. 299.

[This overture was rejected; affirmative 24 Presbyteries, negative 84 Presbyteries.—1859, p. 532.]

e. A Full Minute on Demission of the Ministry.

The Assembly resumed the consideration of the report of the special committee (Edwin F. Hatfield, D. D., Henry B. Smith, D. D., and Walter S. Griffith, Esq.) on the Demission of the Ministry. After considerable discussion, the report was adopted, and is as follows, viz.:

The Committee to whom was referred, by the last General Assembly, an overture from the Presbytery of Philadelphia, Third, on the "Voluntary Demission of the Ministry," respectfully submit the following report:

The Constitution of our Church, it is well known, provides for the deposition of the unworthy, by due process of discipline; but seems not to have anticipated that any other class would require to be separated from the responsibilities of an office so high and so sacred. It nowhere contemplates the dismission of the members of the church to the world, nor the return of the ministry, at their own instance, to the mere secularities of every-day life.

Such is the view that has been taken of our standards from the beginning. Neither the old Synod of New York and Philadelphia, nor any of our General Assemblies, has ventured to give any different interpretation. The Assembly of 1802, on the occasion of the exercise, by the Presbytery of Lewes, of the prerogative of divesting one of their ministers of his office, without deposition, suspension, or censure, passed the following resolution:

"*Resolved*, That it is a principle of this Church that no minister of the gospel can be regularly divested of his office except by a course of discipline terminating in his deposition. That if any minister, by providential circumstances, become incapable of exercising his ministerial functions, or is called to suspend them, or to exercise them only occasionally, he is still to be considered as possessing the ministerial character and privileges; and his brethren of the Presbytery are to inspect his conduct; and while

they treat him with due tenderness and sympathy, they are to be careful that he do not neglect his ministerial duties beyond what his circumstances render unavoidable."

The *office* is to be retained; but, for sufficient reason, the *exercise* of the office may be discontinued in whole or in part. Such was the judgment of the Synod of 1726, in the case of Mr. Robert Laing, who, by reason of the complaints of his "weakness and deficiency," brought against him, "rendering his exercise of the ministerial function a detriment to the interests of religion, and rather a scandal than a help to the gospel," "advised him to demit the whole exercise of the ministry, and not to take it up again but by the approbation of at least three ministers of the Presbytery wherein he may reside."

Similar was the judgment of the Synod of 1783, in the case of Mr. William Woodhull, who had represented to the Presbytery of New York, of which he was a member, "his situation, as being still incapable of exercising his ministry by his continued indisposition, and the little, or rather no, probability of his ever being able to attempt the exercise of it in future; and that he was at the same time engaged in certain secular employments that would seem to render it improper to have his name in their records as a member." The Synod judged, "that Mr. Woodhull ought to be continued a member of the Presbytery of New York."

Two years afterward, in the case of Mr. Joseph Montgomery, of the Presbytery of New Castle, whose name had been dropped from the roll of the Presbytery, at his own instance, on account of indisposition of body, and the acceptance of "an office under the civil authority," the Synod expressed their disapprobation of the measure, and recommended "to all Presbyteries, when any ministers under their inspection resign their charge, or discontinue the exercise of their office while they remain in the same bounds, to pass a regular judgment on the reasons given for such conduct, and continue their inspection of those who shall not have deserved to be deprived of the ministerial character, though they may be laid aside from immediate usefulness."

Thus uniformly has the doctrine been maintained by the ecclesiastical authorities of our Church, "that no minister of the gospel can be regularly divested of his office except by a course of discipline terminating in his deposition." The Assembly of 1852 took the same ground, or at least refused to take ground to the contrary. In the case of a member of the Presbytery of Portage, "who, though chargeable with no disciplinable offence, had forsaken the ministry for ten or more years, had regularly and permanently engaged in secular employments, had become a private member of the Church, and had no design of again acting as a minister of the gospel, and who, on this ground, had requested his Presbytery to strike his name from the roll of members," the Presbytery took the position "that presbyterial law contemplates the ministerial office as permanent, ceasing not but by death or deposition;" yet they referred the case to the wisdom of the General Assembly. And the Assembly of 1852, although the Committee on the Polity of the Church recommended "that the Presbytery be directed to strike his name from the roll, without implying any censure or any imputation upon his Christian character," refused to adopt the recommendation; thereby confirming the position taken by the Presbytery, and conforming their action to the uniform decisions of the highest ecclesiastical authorities of our Church from the beginning.

It is true that, in common with most of the evangelical denominations, we maintain that *ordination* is but a ceremony—an outward sign—a pub-

lic recognition on the part of the ordainers of the fitness of him who is ordained for the office to which he is set apart; it does not impress a character or impart a fitness not previously possessed. But, in the case of a minister of the gospel, it recognizes the fact that the man has consecrated himself to this high and holy calling; has, by irrevocable vows, set himself apart from merely secular pursuits to the service of the Lord Jesus Christ in the ministry. From these vows the Church has received no dispensation to release him, and, therefore, has ever disclaimed the power and right, even in the exercise of discipline.

So long, therefore, as it is in the power of the minister, he is to exercise his gifts and graces in this particular calling. He is under covenant, both to Christ and to the Church, thus to serve God. He may not, without breach of covenant, abandon, merely at his own instance, the ministerial for a secular calling. If the providence of God puts it out of his power, evidently and unmistakably, to pursue his ministerial work, it becomes his duty *to bring his case before his brethren of the Presbytery*, and submit it to their decision. If any minister neglects this obvious duty, and of his own accord devotes himself to secular pursuits, his Presbytery are to investigate the case, and pass judgment upon it. Such was the judgment of the General Assembly of 1834.

"When ministers have withdrawn," they say, "or may hereafter withdraw, wholly or in part, from the work of the ministry, it is enjoined upon the Presbyteries to which they belong to require of such ministers their reasons for so doing; which reasons are to be put upon record by the Presbytery, with an expression of their approbation or disapprobation of the same."

In like manner, also, the Assembly of 1802, in order, very properly, to guard against the practical demission of the office, determined and directed, "that if any minister of the gospel, through a worldly spirit, a disrelish for the duties of his office, or any other criminal motive, becomes negligent or careless, he is by no means to be suffered to pursue this course, so as at length to be permitted to lay aside the ministry, without censure; because this would be to encourage a disregard of the most solemn obligations, by opening a way to escape from them with impunity. But, in all such cases, Presbyteries are seasonably to use the means and pursue the methods pointed out in the word of God and the rules of this Church, to recall their offending brother to a sense of duty; and if all their endeavors be ineffectual, they are at length regularly to exclude or depose him from his office."

This rehearsal of the action of previous Assemblies, it is thought, is a sufficient answer to the overture, without entering upon a discussion of the abstract question: "May an ecclesiastical body, in any case, demit from the office of the ministry without discipline or censure?" We simply refer to the usages of our own Church, and urge them upon the attention of our Presbyteries. They are not to allow any of their ministers to retire from the ministerial work of their own accord; but to require, of such as are desirous to enter into a secular calling, their reasons for such a course, which they are to put upon record, approvingly or otherwise. The circumstances of the age call loudly upon this Assembly to reaffirm these long-established principles, and to enjoin upon the Presbyteries the utmost carefulness in preventing the secularization of our ministry.—1860, pp. 234, 236, N. S.

[In the Assembly of 1871 an overture on the demission of the ministry was committed to Rev. Drs. Z. M. Humphrey, Charles Hodge, Henry B. Smith, George W. Musgrave, and Elijah R. Craven, to report to the next

Assembly, p. 590. For the Report and Overture, see Minutes, 1872, pp. 46–50. The overture was rejected. Affirmative 45 Presbyteries, negative 65, not voting 69.—1873, p. 526.

7. Ministers are not to be Enrolled as Members of Particular Congregations.

From the Presbytery of Miami the question, whether ordained ministers of the gospel ought not to be considered church members, and to have their names enrolled on the sessional records of the church where they are settled as pastors or stated supplies, which question the Committee recommended to be answered in the negative. After debate the recommendation was adopted.—1843, p. 176, O. S.

8. Ministers who Withdraw from Presbytery and Unite with another Denomination Stricken from the Roll.

a. The Committee on the reference from the Chenango Presbytery in the case of the Rev. Edward Andrews, made the following report, which was adopted, viz.:

Resolved, As the sense of this Assembly, that though the conduct of Mr. Andrews was disorderly, it be recommended to the Presbytery to do nothing further in the case than simply to strike his name from the list of their members.—1828, p. 240.

[Mr. Andrews had withdrawn to the Episcopal Church and been reordained.]

b. Resolved, That when a minister otherwise in good standing gives notice in form to the Presbytery to which he belongs that he renounces the fellowship of the Presbyterian Church, or by neglecting to attend the meetings of its judicatories, after being dealt with for such neglect, gives evidence that he has done so in fact, his name ought to be struck from the roll of its members, a notice of this procedure communicated to the disowned member, and if necessary published to the Church.

The congregation under the care of such minister ought to be held as still under the care of Presbytery unless they give evidence that they also have been withdrawn, in which case their name ought also to be struck from the list of congregations belonging to the Presbytery.—1830, p. 305.

c. Resolved, That it be recommended to the majorities of Presbyteries and church sessions to take no other action in relation to members who have left them to join other ecclesiastical bodies not in connection with us than to strike their names from the roll.—1839, p. 24, N. S.

d. Overture No. 5, from the Second Presbytery of New York, asking the direction of the Assembly as to the action to be taken by Presbytery in the case of a member who, without previous conference with his copresbyters, or without receiving a certificate of dismission, leaves the Presbytery, and abandons the ministry of the Presbyterian Church. The Committee recommend to the Assembly the adoption of the following resolution as an answer to the request of the Presbytery:

Resolved, That in such cases as that presented in the overture, the Presbytery ought simply to erase the name of the minister from the roll, provided he leaves the Church without being chargeable with fundamental error in doctrine or immorality of life. Adopted.—1854, p. 17, O. S.

[See Book of Discipline, chap. x., ii.]

VII. TO EXAMINE AND APPROVE OR CENSURE CHURCH RECORDS.

43. Presbyteries must Review the Records of Sessions.

a. *Whereas*, It appeared in the course of the free conversation on religion that in one of the Presbyteries under the care of the General Assembly, the sessional records of the several church sessions were not regularly called up and examined every year by the said Presbytery, and there is reason to believe that other Presbyteries had conducted in the same manner, therefore,

Resolved, That it be and it hereby is required of all the Presbyteries within the bounds of the General Assembly annually to call up and examine the sessional records of the several churches under their care, as directed in the Book of Discipline.—1809, p. 429.

b. The Assembly, after seriously reviewing the order of the last Assembly, and maturely deliberating on the remonstrance of the Presbytery of Philadelphia against it, can by no means rescind the said order, inasmuch as they consider it as founded on the constitution of our Church, and as properly resulting from the obligation on the highest judicatories of the Church to see that the constitution be duly regarded; yet, as it is alleged, that insisting on the rigid execution of this order with respect to some of the church sessions would not be for edification, the Assembly are by no means disposed to urge any Presbytery to proceed under this order beyond what they may consider prudent and useful.—1810, p. 453.

[The principles laid down by the Assembly for the guidance of Synods apply *mutatis mutandis* to the minutes of sessions. See chap. xi., sec. vi., Form of Government.]

VIII. TO RESOLVE QUESTIONS OF DOCTRINE OR DISCIPLINE.

IX. TO CONDEMN ERRONEOUS OPINIONS.

X. TO VISIT PARTICULAR CHURCHES, TO INQUIRE AND REDRESS.

44. Overture on the Right of a Church to dismiss its Elders.

a. The Committee on the Polity of the Church, to whom was referred the overture—When a church shall dismiss its ruling elders, and deny to its members the right of appeal and complaint, and deny the authority of Presbytery over it, has it a right to be represented in the judicatories of our Church?—reported as follows:

Our Church is organized on constitutional principles, with powers and duties appropriate to each branch or part thereof; and with a gradation of subordinate and superior judicatories, designed to preserve unity of doctrine, and orderly discipline, according to the Scriptures.

This constitution does not recognize a right of revolution, and makes no provision therefor; but treats all such cases simply as breaches of order, and visits them with appropriate constitutional remedies. Any individual church is represented in the Church judicatories constitutionally only by the pastor or an elder, one or both; and it can find admission into such judicatories only through such a mode of representation.

The overture supposes three cases: 1st, a dismissal of elders; 2d, a denial of the right of appeal and complaint; and 3d, a denial of the authority of the Presbytery.

Each of these is an unconstitutional act, is utterly null and void, and subjects the offending church to visitation and discipline at the hands of the Presbytery. The Form of Government, chap. x., sec. viii., empowers the Presbytery "to visit particular churches, for the purpose of inquiring into their state, and redressing the evils that may have arisen in them; to

unite or divide congregations, at the request of the people; or to form or receive new congregations; and, in general, to order whatever pertains to the spiritual welfare of the churches under their care."

The above-named acts of insubordination, being void, work no effect; the session have still the right, and it is their duty, to send one of the elders to the Presbytery and the Synod; and his votes and acts in these bodies are the votes and the acts of the church. So, too, the Presbytery may send any one of such elders to the General Assembly; and should such church refuse obedience to the acts of the judicatories so constituted, it would be subject to the discipline, in due form, of our ecclesiastical law. Such church has a right to be represented by *elders*, and it cannot pass by them and substitute a *private member* as its representative. A void act of deposition, or dismission of its elders, does not incapacitate the church. In sending one of its dismissed elders to the Presbytery or the Synod, it disaffirms its illegal act, and that is an end of it; and if it should send a delegate, not an elder, he could not be received; and the church would be simply unrepresented (except by the pastor), *pro hâc vice;* but the church is still under the care of the Presbytery, and subject to its government. The bond of union, which was formed by mutual and concurrent consent and act, cannot be dissolved by an *ex parte* act of insubordination or revolution, until the other party has acted thereon. The Committee, therefore, recommend the following answer to the overture:

Resolved, That the acts of insubordination, specified in the overture, do not, of themselves, infer a forfeiture of the church's right to be represented in the Church judicatories; but such representation must be in the mode, and by the persons, specified in the constitution of the Church.—1860, pp. 260, 261, N. S.

b. The Committee on the Polity of the Church reported Overture No. 5:

Where one portion of a church connected with, and under the jurisdiction of, the Presbytery, denies the jurisdiction and authority of the Presbytery and every other body, and all right to review its proceedings, and the right of appeal to the Presbytery, and declare their determination so to continue; and the other portion of such church declare to the Presbytery their wish to continue their connection with the Presbytery as heretofore, instead of setting up as an independent church, what is the duty of the Presbytery toward that portion who remain faithful to such jurisdiction?

And recommended the following answer: That, in the judgment of the Assembly, the report on the subject last year (see Minutes, pp. 260, 261) implies that the church sustains the same relation to the Presbytery as before the denial of its jurisdiction; and that the delegate of the church is entitled to a seat in the Presbytery, as in years previous to the act aforesaid.—1861, p. 478, N. S.

45. Presbytery may, without Petition, direct an Elder to cease Acting.

Overture from the session of the Presbyterian church at Ironton, Missouri, in reference to the power of the Presbytery to declare that a member of the session shall cease to be an acting elder, without request from the session, or any members of the church.

The Committee would recommend the following answer. (See *Form of Government*, chap. x., sec. 8.) Presbytery has power to visit particular churches for the purpose of inquiring into their state, and redressing the evils that may have arisen in them, and to order whatever pertains to their spiritual welfare, without being requested by the session.

The report was adopted.—1869, p. 924, O. S.
[See Form of Government, xiii., vii.]

46. A Church may not Withdraw without Consent of Presbytery.

a. From the Presbytery of Bloomington, asking, Has any church, or any part of a church in our connection, the constitutional right to withdraw from a Presbytery without its consent, and to unite with another body? Answered in the negative.—1866, p. 54, O. S.

b. [From the Presbytery of Iowa City:] Can a Presbyterian church, under the care of a Presbytery, withdraw regularly without first asking consent and leave of the Presbytery?

We unhesitatingly reply, that no Presbyterian church, under care of a Presbytery, can withdraw regularly without first asking consent and leave of the Presbytery under whose care and jurisdiction it voluntarily placed itself.—1867, pp. 511, 512, N. S.

47. Course to be Pursued when a Church wishes to Withdraw.

Also Overture No. 4, from certain members of the Presbytery of Athens, asking "whether it is allowable for a Presbytery and a church under its charge to dissolve their connection by mutual consent, the church retaining its organization and standing as an independent body."

The Committee recommended that the following answer be given:

The only proper method of dissolving the relation between a Presbytery and a church desiring to become an independent body is for such church to withdraw, declining the further jurisdiction of the Presbytery, and the Presbytery to make such a record of its withdrawal as the character of the action of the withdrawing church requires. The recommendation was adopted.—1862, p. 33, N. S.

48. Presbytery may Dissolve a Church.

Judicial Case No. 3, being the appeal and complaint of Smiley Shepherd against the Synod of Illinois. The report was as follows:

The following facts are stated in the records of the Presbytery of Bloomington, and are not denied by the complainant: The Second Church of Union Grove in October, 1859, had for about twenty years neither meeting-house, pastor nor stated supply, nor had it submitted, through the whole of that period until 1859, either statistical reports or sessional records. It had worshiped regularly with the First Church of Union Grove. In fact, in 1859 it consisted of the complainant and his family alone; but the complainant claimed and exercised the right, as ruling elder, to receive members to his church and to sit and vote in Presbytery and Synod. For about fifteen years the Presbytery had considered the church as without even a nominal existence, having in 1841 dropped it from the roll, and it was not restored to the roll till 1856, and then only with a view of having it regularly united with the First Church of Union Grove. On the 11th of October, 1859, Presbytery dissolved the said Second Church, and directed the stated clerk to furnish its members with the usual certificates to some other Presbyterian church.

Against this proceeding Mr. Shepherd appealed, and complained to the Synod of Illinois, but his complaint was not sustained. He now appeals and complains to the General Assembly.

He does not deny the facts as stated by the Presbytery, but alleges that both Presbytery and Synod were guilty of certain gross irregularities and an arbitrary use of power in the proceeding. But the papers do not

contain evidence sustaining these allegations. There is no testimony of any kind filed with these papers. It is impossible for the Assembly to determine from the record whether the power of the Presbytery was discreetly exercised. The Committee therefore recommend that the appeal and complaint be dismissed.

The report was adopted, and the appeal and complaint dismissed.—1863, p. 36, O. S.

XI. TO ORGANIZE, UNITE AND DIVIDE CHURCHES.

49. The Organizing of Churches belongs to Presbytery.

Is a minister of the gospel in our connection, *ex-officio*, authorized to organize churches in the bounds of Presbyteries without any previous order of Presbytery directing such organization?

Resolved, That except in frontier and destitute settlements, where, by Form of Government, chap. xv., sec. xv., it is made a part of the business of evangelists to organize churches, and except in cases where it is exceedingly inconvenient to make application to a Presbytery (for which provision is made in the act of Assembly of 1831), it is not the prerogative of a minister of the gospel to organize churches without the previous action of some Presbytery directing or permitting it, since in Form of Government, chap. x., sec. viii., to form new congregations is enumerated among the powers of a Presbytery, and since in chap. iv., "Of Bishops or Pastors," no mention is made of any such power being lodged in the hands of an individual minister.—1833, p. 410.

50. Organization on Petition of a Minority.

Has a Presbytery the constitutional right to divide a church where a majority of the members of said church are opposed to its division?

Resolved, That where the minority request it, and the Presbytery has reason to believe that the interests of religion will be promoted by it, the Presbytery has the right to form the minority into a new congregation.—1848, p. 29, O. S.

51. Presbytery may Prohibit an Organization.

[The people about White Clay Creek, in New Castle county, Delaware, petitioned Presbytery to have the ordinances of the gospel administered with more convenience and nearness to the place of their abode, for the greater advantage and ease to their several families. Against this the people of New Castle protested, craving that the people of White Clay Creek may not be suffered to set up a meeting-house in the country, that their meeting-house and congregation in New Castle may not be damaged by this rupture of their fellow-members of White Clay Creek.]

The General Presbytery

Ordered, That the people of New Castle and the country should not be divided by setting up two separate meetings.—1708, pp. 11, 12.

52. When new Congregations may be Formed.

The Assembly censure a minister for irregularity in dividing the church in Peoria, by which he did not make a separation from the great body of the Presbyterian Church, but a schism in the body, contrary to the word of God and the government of the Church, which allow of the division of the Church universal into separate congregations only when

the people of God are too numerous or too remote from each other to assemble in one place to worship God.—1840, p. 302, O. S.

53. To Divide a Congregation without Request of the People Irregular.

The Synod [of Illinois] seem to have overlooked the irregularity of the Presbytery in dividing a congregation when there was no request from the people on the subject.—1840, p. 302, O. S.

XII. TO ORDER WHATEVER PERTAINS TO THE SPIRITUAL WELFARE OF THE CHURCHES.

54. A Presbytery Dissolves a Pastoral Relation on its own Discretion.

a. The moderator explained the state of the question, and read the action of the Presbytery of St. Louis complained against, which was as follows:

The memorial of certain members of Pine Street church having been presented, after discussion,

Resolved, 1. That by the action of Presbytery in June, 1863, the pastoral relation between Dr. McPheeters and the Pine Street church was dissolved, and Dr. McPheeters ceased to be the pastor of that church, and ceased to have the right to exercise discipline, or perform the functions of the pastoral office in that church.

Resolved, 2. That inasmuch as this action was taken by Presbytery in the exercise of its power "to ordain whatever pertains to the spiritual welfare of the churches under their care," and is its solemn judgment that the interests of the Pine Street church required that Dr. McPheeters should cease to exercise the functions of minister to that church, therefore Presbytery learn with regret that Dr. McPheeters is still officiating as minister in that church, whether by invitation of session or at his own instance is not known to Presbytery, but in either case they do hereby ordain and declare that in the judgment of Presbytery the peace and harmony and spiritual interests of Pine Street church, as well as a proper respect for the feelings of a large minority opposed to the ministration of their former pastor, require that Dr. McPheeters shall cease all connection with that church, and no longer attempt to minister to that congregation.

The vote in the case was then taken by calling the roll, and with the following result: To sustain the complaints against the Presbytery, 47; not to sustain, 119; to sustain in part, 2; excused from voting, 1.

Whereupon the moderator announced that the complaints in this case against the Presbytery of St. Louis were not sustained.

Dr. Krebs moved, and it was carried, to appoint a Committee to draw up and report a minute in this case.

The following persons were appointed as the Committee, viz.: Drs. Beatty, Musgrave, Elliott, Tustin, Craven and Judge Linn.—1864, p. 311, O. S.

The following is the minute in the case, viz.:

b. The Assembly does not sustain the complainants, because the proceedings of the Presbytery of St. Louis in this case appear constitutional and regular, and, so far as we can perceive, were judicious, equitable, and for the edification of the church.

These complaints, both in their language and the necessity of the case, brought the whole proceeding under our review. The question of a dissolution of the pastoral relation between Dr. McPheeters and the Pine

Street church was originally brought in an orderly manner before the Presbytery, by petition of a minority of said church, and a personal tender of resignation by the pastor; and after all the constitutional steps were taken with care and deliberation was decided by the Presbytery, acting for the peace and welfare of that church. That which was called an appeal and complaint to Synod against that action could not so suspend all further proceedings as to prevent the Presbytery from considering and acting upon the continued disturbed state of that congregation; and when, at a subsequent stated meeting of that body, this subject came before them, they did, almost unanimously, deem it unadvisable that the late pastor should continue ministerial labors in that congregation. Against this decision of the Presbytery, Dr. McPheeters and others have uttered these complaints, which we do not sustain.

The Assembly has patiently listened to the history of this case from the opposite points of view taken, but in their decision have strictly confined themselves to the facts on record. The resignation of the pastoral relation, and the distracted state of the church, seemed plainly to call for the action of the Presbytery; and being upon the ground, and conversant with all the circumstances and demands of the case, they seem most competent to understand and decide what that action should be. The question of the pastor's loyalty to his national government, which seemed to be so largely a disturbing element in the church, has not been properly before the Assembly, as it was not pronounced upon in any presbyterial action. They judged it best for the peace and prosperity of that particular church that the late pastor should retire altogether, and cease from his public ministrations to them; and this Assembly cannot decide otherwise. And though many of the members of the Presbytery were absent from that meeting which so decided, this could not invalidate their proceedings, as it was a regular and lawful meeting of that body.

The right and duty of the Presbytery "to order whatever pertains to the spiritual welfare of the churches under their care, and especially to heal dissensions, by seeking to remove the occasions of them, is a distinctive and important feature in our Presbyterian polity. And when the pastor himself so far recognized the propriety of his withdrawal as to tender to the Presbytery his resignation, it was clearly competent for that body not only to grant his request, but to order, if necessary, that he cease his ministrations to that people, if they believed that by longer continuing to serve them the dissensions would be fomented, the strife become embittered, and the spiritual interests of the church endangered. And when the Presbytery did, at length, so interfere and direct, without pronouncing upon the rumors and side issues which were the occasions of the strife and unhappy condition of the church, they simply undertook to control the relations of pastor and people for the welfare of the church, without impeaching, by any expression, the moral character and ministerial standing of that pastor. They only ordered, as a prudential measure, that the resignation which he had himself voluntarily tendered to them, should properly and entirely be carried out, by his ceasing in any way to keep up this unhappy state of things, and by ceasing to minister to them as their pastor."—1864, pp. 327, 328, O. S.

55. A Presbytery may not Dismiss or Receive a Church without the Consent of Synod.

Resolved, That it is unconstitutional for a Presbytery to dismiss a congregation under their care, and for any other Presbytery to receive the

congregation so dismissed, without the approbation of the Synod to which such Presbyteries respectively belong.—1823, p. 91.

56. The Power of Presbytery over Unemployed Ministers and Vacant Churches.—Mode of Proceeding.

The Assembly proceeded to the consideration of the Report of the Committee on Church Polity, on "Vacant Churches and Unemployed Ministers," which was adopted, as follows:

Sundry papers on the general subject of "Vacant Churches and Unemployed Ministers," to wit: The report of a Committee appointed by the Assembly of 1871 made to the Assembly of 1872, and referred to this Assembly; 2. An overture from the Presbytery of Wooster, with accompanying documents; and 3. A memorial from Rev. Allen H. Brown, a member of the Presbytery of West Jersey.

The Committee recommend the following plan, namely:

I. That the Assembly enjoin on each Presbytery, to submit this important matter to that Committee (standing or special) which has the particular care of its missionary churches, with the following instruction, viz.:

1. To provide, as far as may be possible, permanent or occasional work for every minister desiring it, who is without charge, within its Presbyterial jurisdiction; and also to provide permanent or occasional preaching for every destitute church under its presbyterial care.

2. To arrange for grouping the smaller aid-receiving vacant churches, so as most effectively to furnish competent support for the minister serving them, and so as also to secure the preaching of the gospel to the greatest possible number.

3. And since aid-receiving churches, when they become vacant, are usually cut off from Home Missionary aid until they shall have found an acceptable minister ready to be commissioned; and since many of these churches, being unable to provide for themselves even occasional supplies, thereby suffer serious injury in any long vacancy, each presbyterial Committee is urged to endeavor, in its own way, to nourish and sustain these churches until they are advanced to a condition in which they can be assisted by the Board of Home Missions.

4. To report, to the Chairman of the Synodical Committee, the names of "vacant churches and unemployed ministers" in their bounds for whom they are not able to provide.

II. It is further recommended, that each Synod appoint a Committee on "vacant churches and unemployed ministers," consisting of one from each of the presbyterial Committees aforesaid, in like manner, and, as far as possible, to distribute, among the vacant churches of their own Synod, such unemployed ministers as have been reported to them, always regarding the rights of the Presbyteries and the wishes of the people.

If there should yet remain a surplus of either vacant churches or unemployed ministers within the bounds of any Synod, the chairman of its Committee on this subject shall report the same to the Board of Home Missions.

III. And whereas, there may be, in the vast extent of our territory, an excess of "unemployed ministers" in one part thereof, and in another an excess of "vacant churches," the Board of Home Missions is hereby authorized and instructed to organize a Special Bureau, whose business it shall be to gather and publish such statistics bearing on the subject as may be important for the information of the churches, and to consider the case of such "vacant churches and unemployed ministers" as may have

been reported to them by the synodical Committees; and to endeavor to adjust and distribute these, so that, as far as possible, every capable minister, asking for it, may have something to do, and every church may be supplied; always, however, so as not to interfere in any wise with Presbyterial prerogatives.

IV. It is further recommended, that, whereas the Minutes of the Assembly for 1872 report 1029 vacant churches, of which 485 have each but 25 members or less, and 174 have each only 10 members or less, the Presbyteries embracing them be instructed to consider whether some of these churches may not be consolidated advantageously to themselves, without injury to the cause of religion.—1873, p. 562.

IX. It shall be the duty of the Presbytery to keep a full and fair record of their proceedings, and to report to the Synod every year licensures, ordinations, the receiving or dismissing of members, the removal of members by death, the union or division of congregations or the formation of new ones, and, in general, all the important changes which may have taken place within their bounds in the course of the year.

[See under Form of Government, chap. xi., sec. vi. Nearly every case there applies equally to the Records of Presbytery.]

1. Narratives and all Important Papers to be Recorded.

Resolved, That this Assembly earnestly recommend to the Synods and Presbyteries to record in their minutes the Narrative of Religion and all other papers.—1870, p. 91.

2. Modification of the Rule as to Reports to Synods.

The stated clerk, to whom was committed Overture No. 6 from the Synod of Virginia, reported the following resolution, which was adopted, viz.:

Resolved, That the standing rule of the Assembly on the subject of the reports of Presbyteries to their respective Synods, contained on page 84 of the Digest of 1820, be and the same is hereby repealed; and hereafter Presbyteries are required to make no other reports to Synods than such as are required by chap. x., sec. ix., in the Form of Government, and these in as general terms as that article of the Constitution will allow.—1833, p. 400.

PRESBYTERIAL REPORTS.

It is required of every Presbytery to prepare and forward to the General Assembly:

1. A *Statistical Report*, according to the form exhibited on page 194 of the present Appendix, of which a printed blank will be furnished in due season, by order of the Assembly, to the stated clerk of every Presbytery. This report should, if possible, embrace all the changes in the Presbytery previous to the first day of April.

2. A *Narrative of the State of Religion* within the bounds of the Presbytery for the year ending April 1st. These narratives should specify facts in regard to the particular churches, their state, trials, encouragements and prospects; how many of them, and which, have enjoyed revivals of religion through the year; in which of them the catechisms are taught,

Sabbath-schools and Bible classes organized, with the number of scholars and teachers. Also the various arrangements of the Presbytery for church extension, stating the number of their ministers, and the particular manner in which they are employed; the number of their churches, and how they are supplied; the gross amount of funds collected in their bounds for home missions and church erection; the amount received by their churches from the Presbyterian Board of Home Missions or the Assembly's Sustentation Committee; the number of houses of worship, with their probable value, whether they are free from debt, and what has been done within the year to relieve them from debt; the number of new churches organized and new houses of worship erected; what itinerant arrangements have been adopted for preaching the gospel; what and how much agency has been employed, together with all such other facts and suggestions as will show from year to year what has been accomplished, and what may need to be undertaken, to bring all the churches to a proper degree of effort to promote the kingdom of Christ. As the narratives are not to be publicly read, less care may be given to their style and more to the detail of particulars, such as will aid the Committee of the Assembly in preparing their Annual General Narrative of the State of the Church. —1872, pp. 191, 192.

X. The Presbytery shall meet on its own adjournment; and when any emergency shall require a meeting sooner than the time to which it stands adjourned, the moderator, or, in case of his absence, death or inability to act, the stated clerk, shall, with the concurrence or at the request of two ministers and two elders, the elders being of different congregations, call a special meeting. For this purpose he shall send a circular letter, specifying the particular business of the intended meeting, to every minister belonging to the Presbytery, and to the session of every vacant congregation, in due time previous to the meeting; which shall not be less than ten days. And nothing shall be transacted at such special meeting besides the particular business for which the judicatory has been thus convened.

1. Presbytery may Meet without its own Bounds.

1. *Resolved*, That Synod has power to order a Presbytery to meet and to transact such business as in the judgment of Synod is intimately connected with the good order and well-being of the Church.

2. *Resolved*, That as such meetings are of the nature of *pro re nata* meetings, the rules that are laid down in our book for the regulation of such called meetings ought to regulate and govern in all cases these meetings ordered by Synod, except when ordered to meet during the sessions of Synod on business immediately connected with the proceedings of that body. In such cases the Presbytery may be required to meet at once by order of the Synod.

3. *Resolved*, That whilst it would be inexpedient and wrong for the Synod to order a Presbytery to meet beyond its own bounds without the express consent of its members, we see no constitutional or valid objection against a Presbytery agreeing to meet without its own geographical limits.—1848, p. 60, O. S

2. A Meeting pro re nata must be Called by the Moderator Chosen at a Stated Meeting.

a. [The Records of the Synod of Mississippi approved,] with the exception that the Synod acknowledges the constitutionality of a meeting of the Presbytery of Clinton that had been called by a moderator chosen *pro tempore* at a previous *pro re nata* meeting, instead of being called by the moderator appointed at the last stated meeting of the Presbytery.—1842, p. 28, O. S.

3. When Meetings pro re nata may be Called.

In answer to the first query, the Synod judge that meetings of judicatures *pro re nata* can only be necessary on account of important occurrences unknown at their last meeting, and which cannot be safely deferred till their stated meeting, such as scandal raised on a minister's character tending to destroy his usefulness and bring reproach on religion, or feuds in a congregation threatening its dissolution, or some dangerous error or heresy broached; but not matters judicially deferred by the judicature, except some unforeseen circumstance occurs, which makes it appear that some principal things on which the judgment depends may then be had, and cannot be obtained if it is deferred till their stated meeting, nor for any matters that ordinarily come in at their stated meetings. And when such occasional meetings appear necessary to the moderator himself, it is proper to call the judicature together, or upon the application of any two members judging it necessary, provided always that seasonable notice be given to all the members of the occasion, time and place of meeting, and that it be appointed at such a season as may render the attendance of the members practicable.—1760, p. 305.

4. Applicants for a Meeting pro re nata may Name a Time and Place which the Moderator may not Change.

1. In an application to the moderator of a Presbytery to call a *pro re nata* meeting of that body, is it competent for applicants to specify a particular time and place for such meeting?

2. If a particular time or place, or both, be specified in the application for a *pro re nata* meeting of Presbytery, has the moderator a right, on such application, to call a meeting at a different time and place?

The first question was answered affirmatively, the second negatively, at the recommendation of the Committee.—1856, p. 522, O. S.

XI. At every meeting of Presbytery a sermon shall be delivered, if convenient; and every particular session shall be opened and closed with prayer.

The Preacher not Necessarily a Member of that Presbytery.

The Records of the Synod of Indiana approved, except that on page 253 it appeared that the Presbytery of Madison, at a certain meeting, in the absence of the moderator, invited a minister from another Presbytery to preach the opening sermon. This act of Presbytery the Synod condemn as unconstitutional. The Committee are of the opinion that the Presbytery by so doing violated no principle of the constitution.

Adopted.—1849, p. 250, O. S.

XII. Ministers in good standing in other Presbyteries, or in any sister churches, who may happen to be present, may be invited to sit with the Presbytery as corresponding members. Such members shall be entitled to deliberate and advise, but not to vote in any decisions of the Presbytery.

1. Synods and Presbyteries may Correspond with Local Bodies.

a. Resolved, That while this Assembly would not interfere authoritatively with the lower judicatories in the exercise of their prerogative, they would recommend that no ministers should be invited to sit as correspondents who do not belong to some body in correspondence with this Assembly.—1843, p. 23, N. S.

b. The report of the Committee in reference to correspondence with the Methodist Episcopal conferences, which had been put upon the docket, was taken up, and the following resolution was adopted, viz.:

Whereas, the communication of the Oneida Annual Conference of the Methodist Episcopal Church solicits only a correspondence between themselves and the Synod of New York and New Jersey, and not with the Presbyterian Church generally; and whereas, the Synod has referred the matter to the Assembly without submitting any specific proposition or plan for such correspondence; therefore,

Resolved, That the communication be referred back to the Synod to adopt such measures as they may deem proper in pursuance of the request for a correspondence of the local bodies.—1850, p. 323, N. S.

c. Overture: Is it orderly for our Presbyteries and Synods to invite ministers of the Methodist Episcopal Church to sit as corresponding members? which was answered by the Assembly unanimously in the *affirmative*.—1849, p. 174, N. S.

2. The Ecclesiastical Bodies must be Named.

Minutes (Synod of Albany) approved, with the exception of having invited several ministers to take their seats as corresponding members without describing the ecclesiastical bodies to which such ministers belong.—1815, p. 578.

CHAPTER XI.

OF THE SYNOD.

I. As a Presbytery is a convention of the bishops and elders within a certain district: so a Synod is a convention of the bishops and elders within a larger district, including at least three Presbyteries. The ratio of the representation of elders in the Synod is the same as in the Presbytery.

The Form of Government, as adopted in 1789, reads: "As a Presbytery, etc., so a Synod is the Convention of several Presbyteries within a larger district, including at least three Presbyteries." The Assembly of 1804, p. 304, sent down an overture to the Presbyteries to change the section so as to read as at present, and adds in a note, "Under this section it has been doubted whether the members can proceed to business as a Synod, unless there are present *several Presbyteries*, *i. e.*, at least three ministers from one of the existing Presbyteries and three from another. The doubt has not only caused delay in several instances, but defeated the whole business of one entire meeting. The amendment therefore goes to make a Synod consist not of Presbyteries, but, as it ought, of bishops and elders.

The amendment was adopted.—1805, p. 333.

1. Synod may not Refuse to Receive the Members of its Presbyteries, nor Order their Names to be Erased.

a. The records of the Synod of Michigan were, on the recommendation of the Committee, approved, with the following exception, That on pages 137, 138, 139, 140, the Synod declined to receive two members, whose names appear on the minutes of two of the Presbyteries, and that the Synod also directed said Presbyteries to strike the names of said members of Presbytery from their roll, one of the members belonging to the Presbytery of Monroe, the other to the Presbytery of St. Joseph.—1849, p. 176, N. S.

b. On the records of the Synod of Indiana, the following report was adopted:

The Committee to which were referred the records of the Synod of Indiana reports that it has examined said records, and recommends their approval, with the following exception:

On pages 157 and 8 the record declares that Synod refused to enroll the Rev. E. B. Smith, because he had made no public contradiction of the fact that his name appears in the public prints as a signer of the Declaration and Testimony, although he privately informed the stated clerk of Synod that he had neither himself signed the "Declaration and Testimony," nor authorized any one to sign it for him, as appears from page 153 of the records.

It seems to the Committee that the Synod should have directed the Rev. Mr. Smith to make a public contradiction before taking further action, because, as the record now stands, it implies that the Synod has no confidence in his statements. If his statements are unworthy of belief he should be disciplined. The Committee recommend that the Synod be directed to review its action.—1867, p. 357, O. S.

c. Overture No. 28. On the doings of the Synod of Michigan, the matter of enjoining the Presbyteries of St. Joseph and Monroe to erase the names of Rev. Marcus Harrison and Rev. A. L. Payson from their rolls, was taken up. It was *Resolved*, That the action of the Synod in the premises is unconstitutional.—1849, p. 177, N. S.

[For a history of the Synods prior to 1869, see Baird, Revised Edition, pp. 264, 275, 853. New Digest, pp. 142–154.]

2. The Synods as Constituted in 1870.

The order of the day, viz., the Enabling Act, was then taken from the docket, amended, and passed as follows:

Resolved, That, in order to carry into full effect the plan of Reunion, the fifty-one Synods, into which the Presbyteries of this Church are now distributed, be and they are hereby so arranged as to make but thirty-four Synods, to be constituted as follows:

1. The Synod of Long Island is hereby constituted; to consist of the several Presbyteries and parts of Presbyteries included within the counties of King's, Queen's, Suffolk and Richmond, in the State of New York; to meet on the twenty-first day of June, 1870, at 3 P. M., in the First Presbyterian Church (Remsen street) of Brooklyn, N. Y.

2. The Synod of New York is hereby constituted; to consist of the Presbyteries and parts of Presbyteries included within the counties of New York, Westchester, Putnam, Dutchess, Rockland, Orange, Ulster and Sullivan, in the State of New York, and within New England; to meet on the twenty-first day of June, 1870, at 11 A. M., in the First Presbyterian Church of New York; and the Synod of New York is hereby declared to be the legal successor of the Synod of New York, and of the Synod of New York and New Jersey, and as such entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties, of those Synods.

3. The Synod of Albany is hereby constituted; to consist of the Presbyteries and parts of Presbyteries included within the district north of the northern line of the Synod of New York, and east of the western line of the counties of Greene, Schoharie, Montgomery, Fulton, Hamilton and Franklin, N. Y.; to meet on the fourth Tuesday of June next, in the Second Church of Troy, N. Y., at 7½ P. M.; and the Synod of Albany is hereby declared to be the legal successor of the Synod of Albany, New School, and of the Synod of Albany, Old School, and as such entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties, of those Synods.

4. The Synod of Utica* is hereby constituted; to consist of the Presbyteries and parts of Presbyteries included within the district west of the Synod of Albany, extending to the State line on the north, and to the western line of Tioga, Cortland, Onondaga and Oswego counties, in the State of New York; to meet on the twenty-first day of June, 1870, at 7½ P. M., in the First Presbyterian Church of Oneida, N. Y.; and the Synod of Utica is hereby declared to be the legal successor of the Synods of Utica and Susquehanna, and as such entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties, of those Synods.

5. The Synod of Geneva is hereby constituted; to consist of the Presbyteries and parts of Presbyteries included within the district west of the Synod of Utica, and extending to the west line of Steuben, Ontario and

* Changed to Central New York, 1873, p. 525.

Wayne counties, in the State of New York; to meet on the eleventh day of July next, in the First Presbyterian Church of Ithaca, N. Y., at 7½ P. M.; and the Synod of Geneva is hereby declared to be the legal successor of the Synod of Geneva, and as such entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties, of that Synod.

6. The Synod of Genesee* is hereby constituted; to consist of the Presbyteries and parts of Presbyteries included within the district lying west of the Synod of Geneva, in the State of New York; to meet on the twenty-eighth day of June next, in the Central Church, Buffalo, N. Y., at 7½ P. M.; and the Synod of Genesee is hereby declared to be the legal successor of the Synods of Genesee and Buffalo, and as such entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties, of those Synods.

7. The Synod of New Jersey is hereby constituted; to consist of the Presbyteries and parts of Presbyteries included within the State of New Jersey, together with the Presbytery of Corisco, in Africa; to meet on the twenty-first day of June next, at 3 P. M., in the Westminster Church of Elizabeth, N. J.; and the Synod of New Jersey is hereby declared to be the legal successor of the Synod of New Jersey, and as such entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties, of that Synod.

8. The Synod of Philadelphia is hereby constituted; to consist of the Presbyteries and parts of Presbyteries included within the district between the eastern line of Pennsylvania and the west line of the counties of Bradford, Sullivan, Luzerne, Schuylkill, Lebanon and York, together with the Presbytery of Western Africa; to meet on the twenty-first day of June, 1870, at 8 P. M., in Spring Garden Church, Philadelphia; and the Synod of Philadelphia is hereby declared to be the legal successor of the Synods of Philadelphia and Pennsylvania, and as such entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties, of those Synods.

9. The Synod of Harrisburg is hereby constituted; to consist of the Presbyteries and parts of Presbyteries included within the district lying west of the Synod of Philadelphia, and east of the west line of the counties of McKean, Cameron, Clearfield, Blair and Bedford, in the State of Pennsylvania; to meet on the twenty-eighth day of June next, at 7½ P. M., in the First Presbyterian Church of Bellefonte, Pennsylvania.

10. The Synod of Erie is hereby constituted; to consist of the Presbyteries and parts of Presbyteries in the north-west counties of Pennsylvania, west of the Synod of Harrisburg, and bounded south by the counties of Cambria and Westmoreland, and the Allegheny and Ohio rivers to the State line, except that part of Indiana county lying east and south of the Black Lick Creek; to meet on the seventh day of July, 1870, at 7½ P. M., in the Park Presbyterian Church, Erie, Pa.; and the Synod of Erie is hereby declared to be the legal successor of the Synods of Allegheny and West Pennsylvania, and as such entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties, of those Synods.

11. The Synod of Pittsburg is hereby constituted; to consist of the Presbyteries and parts of Presbyteries included within the remainder of Pennsylvania, west of the Synod of Harrisburg, and south of the Synod of Erie, and all of West Virginia west of the Allegheny ridge; to meet

* Changed to Western New York, 1871, p. 539.

on the twenty-third day of June, 1870, at 10½ A. M., in the First Church of Pittsburg, Pa.; and the Synod of Pittsburg is hereby declared to be the legal successor of the Synod of Pittsburg, and as such entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties, of that Synod.

12. The Synod of Baltimore is hereby constituted; to consist of the Presbyteries and parts of Presbyteries included within the States of Delaware and Maryland, the District of Columbia, Virginia, and that part of West Virginia east of the Allegheny ridge, together with the Presbytery of Rio Janeiro; to meet on the fourteenth day of June, 1870, at 7½ P. M., in the Central Church of Wilmington, Del.; and the Synod of Baltimore is hereby declared to be the legal successor of the Synod of Baltimore, and as such entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties, of that Synod.

13. The Synod of Atlantic is hereby constituted; to consist of the Presbyteries and parts of Presbyteries included within the States of North and South Carolina, Georgia and Florida; to meet on the seventh day of July, 1870, at 11 A. M., in Biddle Institute, Charlotte, N. C.

14. The Synod of Cleveland is hereby constituted; to consist of the Presbyteries and parts of Presbyteries included within the district bounded by the Ohio State line on the east, and the west and south lines of the counties of Lorain, Medina, Summit, Stark, Tuscarawas, Guernsey, Noble and Monroe; to meet on the twenty-ninth day of June, 1870, at 7½ P. M., in the Second Church of Cleveland, Ohio; and the Synod of Cleveland is hereby declared to be the legal successor of the Synods of Wheeling and Western Reserve, and as such entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties, of those Synods.

15. The Synod of Toledo is hereby constituted; to consist of the Presbyteries and parts of Presbyteries included within the counties west of the Synod of Cleveland, and the east and south lines of the counties of Erie, Huron, Crawford, Wyandot, Hardin, Logan, Champaign, Shelby and Mercer, Ohio; to meet on the twenty-first day of June, 1870, at 7½ P. M., in the Reunion Presbyterian Church of Lima, Ohio; and the Synod of Toledo is hereby declared to be the legal successor of the Synod of Sandusky, and as such entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties, of that Synod.

16. The Synod of Cincinnati is hereby constituted; to consist of the Presbyteries and parts of Presbyteries included within the counties bounded by the north and east lines of Darke, Miami, Clarke, Greene, Fayette, Ross, Vinton and Gallia, in the State of Ohio; to meet on the twelfth day of July, 1870, at 11 A. M., in the Second Church of Cincinnati, Ohio; and the Synod of Cincinnati is hereby declared to be the legal successor of the Synods of Cincinnati, N. S., and Cincinnati, O. S., and as such entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties, of those Synods.

17. The Synod of Columbus is hereby constituted; to consist of the Presbyteries and parts of Presbyteries included within the remaining, being the central, counties of Ohio; to meet on the twelfth day of July, 1870, at 8 P. M., in the Second Church of Columbus, Ohio; and the Synod of Columbus is hereby declared to be the legal successor of the Synods of Ohio, N. S., and Ohio, O. S., and as such entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties, of those Synods.

18. The Synod of Michigan is hereby constituted; to consist of the

Presbyteries and parts of Presbyteries included within that part of Michigan embracing the whole of the lower peninsula of that State; to meet on the twelfth day of July, 1870, at 8 P. M., in the Westminster Church of Detroit, Mich.; and the Synod of Michigan is hereby declared to be the legal successor of the Synod of Michigan, and as such entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties, of that Synod.

19. The Synod of Kentucky is hereby constituted; to consist of the Presbyteries and parts of Presbyteries included within the State of Kentucky; to meet on the twenty-ninth day of June, 1870, at 8 P. M., in the Chestnut Street Church of Louisville, Ky.; and the Synod of Kentucky is hereby declared to be the legal successor of the Synod of Kentucky, and as such entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties, of that Synod.

20. The Synod of Tennessee is hereby constituted; to consist of the Presbyteries and parts of Presbyteries included within the States of Tennessee, Louisiana and Texas, with all our ministers and churches in the States intervening; to meet on the fourteenth day of July, 1870, at 2 P. M., in New Market, Tenn.; and the Synod of Tennessee is hereby declared to be the legal successor of the Synod of Tennessee and of the Synod of Nashville, and as such entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties, of those Synods.

21. The Synod of Indiana, South, is hereby constituted; to consist of the Presbyteries and parts of Presbyteries included within the State of Indiana, south of the north line of the counties of Wayne, Henry, Hancock, Marion, Hendricks, Putnam, Clay and Vigo; to meet on the fifth day of July, 1870, at 7¾ P. M., in the Third Presbyterian Church of Indianapolis, Ind.; and the Synod of Indiana, South, is hereby declared to be the legal successor of the Synods of Indiana, N. S., and Indiana, O. S., and as such entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties, of those Synods.

22. The Synod of Indiana, North, is hereby constituted; to consist of the Presbyteries and parts of Presbyteries included within the State of Indiana, north of the north line of the Synod of Indiana, South; to meet on the twenty-eighth day of June, 1870, at 8 P. M., in the First Presbyterian Church of Logansport, Ind.; and the Synod of Indiana, North, is hereby declared to be the legal successor of the Synods of Northern Indiana and Wabash, and as such entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties, of those Synods.

23. The Synod of Illinois, South, is hereby constituted; to consist of the Presbyteries and parts of Presbyteries included within the State of Illinois, south of the north line of the counties of Edgar, Douglas, Moultrie, Shelby, Christian, Montgomery, Macoupin, Green and Calhoun; to meet on the twelfth day of July, 1870, at 7½ P. M., in the First Presbyterian Church of Vandalia; and the Synod of Illinois, South, is hereby declared to be the legal successor of the Synod of Illinois, N. S., and as such entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties, of that Synod.

24. The Synod of Illinois, Central, is hereby constituted; to consist of the Presbyteries and parts of Presbyteries included within the counties north of the north line of the Synod of Illinois, South, and south of the south line of the counties of Kankakee, Grundy, La Salle, Putnam, Bureau, Henry and Mercer; to meet on the twelfth day of July, 1870, at 7½

P. M., in the First Church of Bloomington, Ill.; and the Synod of Illinois, Central, is hereby declared to be the legal successor of the Synod of Illinois, O. S., and as such entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties, of that Synod.

25. The Synod of Illinois, North, is hereby constituted; to consist of the Presbyteries and parts of Presbyteries included within the remaining counties of the State of Illinois, being those north of the north line of the Synod of Illinois, Central; to meet on the twenty-eighth day of June, 1870, at 7½ P. M., in the First Church of Chicago, Illinois; and the Synod of Illinois, North, is hereby declared to be the legal successor of the Synods of Chicago and Peoria, and as such entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties, of those Synods.

26. The Synod of Wisconsin is hereby constituted; to consist of the Presbyteries and parts of Presbyteries included within the State of Wisconsin, together with the upper peninsula of Michigan, and the county of St. Louis, in the State of Minnesota; to meet on the twelfth day of July, 1870, at 7½ P. M., in the North Church of Milwaukee, Wis.; and the Synod of Wisconsin is hereby declared to be the legal successor of the Synods of Wisconsin, N. S., and Wisconsin, O. S., and as such entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties, of those Synods.

27. The Synod of Minnesota is hereby constituted; to consist of the Presbyteries and parts of Presbyteries included within the State of Minnesota (except the county of St. Louis), and also the Territory of Dacotah; to meet on the fifth day of July, 1870, at 8 P. M., in the First Presbyterian Church of Minneapolis, Minn.; and the Synod of Minnesota is hereby declared to be the legal successor of the Synods of Minnesota and St. Paul, and as such entitled to all the rights and franchises, and liable to the performance of all the duties, of those Synods.

28. The Synod of Iowa, North, is hereby constituted; to consist of the Presbyteries and parts of Presbyteries included within the counties of the State of Iowa, north of the south line of the counties of Clinton, Jones, Linn, Benton, Tama, Marshall, Story, Boone, Greene, Carroll, Crawford and Manona; to meet on the fifth day of July, 1870, at 8 P. M., in the First Presbyterian Church of Cedar Rapids, Iowa; and the Synod of Iowa, North, is hereby declared to be the legal successor of the Synods of Iowa, N. S., and Iowa, O. S., and as such entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties, of those Synods.

29. The Synod of Iowa, South, is hereby constituted; to consist of the Presbyteries and parts of Presbyteries included within the State of Iowa, south of the south line of the Synod of Iowa, North, Nebraska, and the Territory of Wyoming; to meet on the thirteenth day of July, 1870, at 8 P. M., in the Central Church of Des Moines, Iowa; and the Synod of Iowa, South, is hereby declared to be the legal successor of the Synod of Southern Iowa, and as such entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties, of that Synod.

30. The Synod of Missouri is hereby constituted; to consist of the Presbyteries and parts of Presbyteries included within the State of Missouri; to meet on the sixth day of July, 1870, at 8 P. M., in the First Presbyterian Church of St. Louis, Mo.; and the Synod of Missouri is hereby declared to be the legal successor of the Synod of Missouri, N. S., and the

Synod of Missouri, O. S., and as such entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties, of those Synods.

31. The Synod of Kansas is hereby constituted; to consist of the Presbyteries and parts of Presbyteries included within the State of Kansas, in Colorado, in New Mexico and in the Indian Territory; to meet on the twelfth day of July, 1870, at 7½ P. M., in the First Church of Topeka; and the Synod of Kansas is hereby declared to be the legal successor of the Synod of Kansas, N. S., and Kansas, O. S., and as such entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties, of those Synods.

32. The Synod of the Pacific is hereby constituted; to consist of the Presbyteries and parts of Presbyteries west of the Rocky Mountains; to meet on the twelfth day of July, 1870, at 7½ o'clock P. M., in the Howard Church of San Francisco, Cal.; and the Synod of the Pacific is hereby declared to be the legal successor of the Synods of Pacific and Alta California, and as such is entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties, of those Synods.

33. The Synod of India is hereby constituted; to consist of the Presbyteries and parts of Presbyteries, and all our missionaries and churches, in that country, to meet on their own adjournment.

34. The Synod of China is hereby constituted; to consist of the Presbyteries and parts of Presbyteries, and all our missionaries and churches, in China, Siam and Japan; to meet on the twentieth day of October, 1870, at 7 P. M., in the Presbyterian Mission Chapel, at Shanghai.—1870, pp. 91–97.

On the recommendation of the Committee on the Polity of the Church it was

Resolved, That the churches connected with any of the Presbyteries of this Church that are located beyond the bounds of the United States be, and they hereby are, attached to the Presbytery and Synod as newly arranged to which they are next adjacent.—1870, p. 127.

35. The Synod of Colorado is hereby constituted; to consist of the ministers and churches in the Presbyteries of Colorado, Santa Fé and Wyoming; and that said Synod meet at Pueblo, Colorado, on the fourth day of September, 1871, at 11 o'clock A. M.—1871, p. 547.

3. Changes in the Boundaries of the Synods.

a. Overture No. 8, from the Presbytery of St. Paul, asking for the relegation of St. Louis county, Minnesota, to the Presbytery of St. Paul, Synod of Minnesota. The reconstruction act, by special provision, embraced the county of St. Louis in the Synod of Wisconsin, instead of that of Minnesota, to which it geographically belongs. The change now asked for by the overture will make the Synod of Minnesota embrace the whole of the State of Minnesota. The Committee, therefore, recommend that the request be granted.—1871, p. 540.

b. The Church of Milford, Pa., from the Presbytery of Lackawanna, Synod of Philadelphia, to the Presbytery of Hudson, Synod of New York. —1871, p. 540.

c. Overture No. 16, from the *American Presbyterian Church of Montreal*, Canada, asking the Assembly to transfer it from the Presbytery of Champlain to the Presbytery of New York. In view of the peculiar circumstances of this case, the church being outside of the United States, the

Committee recommend that the request be granted, and that the presbyterial connection of the American church of Montreal be hereby changed accordingly.—*Ib.*, p. 541.

d. Overture No. 19, from the Synod of Columbus, asking for the transfer of the *Church of Buffalo*, in Guernsey county, with its pastor, the Rev. H. C. Foulke, from the Presbytery of St. Clairsville, Synod of Cleveland, to the Presbytery of Zanesville, in this Synod. Also, a remonstrance from the Presbytery of St. Clairsville, on the ground that the church and pastor had refused to acknowledge their Synodical relation as declared by the last Assembly, and that the Presbytery of St. Clairsville have remonstrated with the Synod of Columbus against the illegal reception of the church and pastor. The Committee recommend that the request be answered in the affirmative.—*Ib.*, p. 545.

e. Overture No. 23, a memorial from the Synod of Minnesota, asking the Assembly to attach *the Santee Reservation in Nebraska* to the Synod of Minnesota. It appears, by the memorial, that the Pilgrim church among the Santee Indians in Nebraska was, by the reconstruction act, placed within the Synod of Iowa, South; and as it would seem to be advisable that all the churches in the Dakota Mission should be under the care of one Synod, the Committee recommend the granting of the request. —*Ib.*, p. 546.

f. The Church of Canal Fulton, transferred from the Presbytery of Mahoning, Synod of Cleveland, to the Presbytery of Wooster, Synod of Columbus.—1872, p. 86.

g. The Committee recommend that the western boundary of the Synod of Harrisburg be so changed as to include within that Synod the Shiloh Church of St. Mary's, to be attached to the Presbytery of Northumberland. Adopted.—1872, p. 86.

h. To transfer *the Churches of Mechanicsville and Clarence* from the Presbytery of Iowa City and Synod of Iowa, South, to the Presbytery of Cedar Rapids, Synod of Iowa, North, and also to alter the boundary line between those two Synods so that the northern tier of townships in Cedar county shall be included within the limit of the Synod of Iowa, North. Adopted.—1872, p. 88.

i. An overture from the *Presbytery of Austin*, Texas, asking to be detached from the Synod of Tennessee, and made a constituent part of the Synod of Kansas, because of the great distance, and inconvenient access to that part of Tennessee where the Synod usually meets, which have thus far hindered the Presbytery altogether from attending; and on the other hand, the direct communication with Kansas, now established by railroad connections.

Recommended that the Presbytery of Austin be a part of the Synod of Kansas, until a Synod be organized in Texas. Adopted.—1873, p. 525.

k. The *Church of Reem's Creek*, Presbytery of Catawba, Synod of Atlantic, transferred to Presbytery of Holston, Synod of Tennessee, on account of inconvenience of geographical position.—1873, p. 539.

l. A memorial from the Synod of Illinois Central, and one from the Presbytery of Ottawa, in connection with the Synod of Illinois, North, requesting that the boundary line between those Synods be changed so as to include the two townships of *Osage* and *Groveland*, in the county of La Salle, within the territory of Illinois Central. Granted.—1873, p. 539.

II. Any seven ministers, belonging to the Synod, who shall convene at the time and place of meeting, with as many elders as may be

present, shall be a quorum to transact synodical business; provided not more than three of the said ministers belong to one presbytery.

1. The Rule as to a Quorum must be Observed.—Irregular Proceedings.—How treated.

a. It appears from the record that certain members of the Synod of West Tennessee met at Knoxville, Tennessee, Oct. 12, 1848, and constituted themselves the Synod of West Tennessee, contrary to the Form of Government, chap. xi., sec. 2, there being seven ministers present, but four of them were from one Presbytery.

1st. The Assembly declare all proceedings and acts of those members of the Synod of West Tennessee found recorded on pp. 214–230 unconstitutional and invalid, except so far as relates to the appointment of the time and place for the next meeting of Synod.

2d. That the Synod be directed to review, at its first regular meeting hereafter, the proceedings and acts of said members of the Synod, and that they adopt or reject the same, in whole or in part, as they may see fit.—1849, p. 248, O. S.

b. The Acts of less than a Quorum Unconstitutional.

In regard to the Minutes of 1855, Synod of Arkansas, the Assembly declares—

1st. That the proceedings and acts of the members of said Synod, met at Little Rock, Sept. 20, 1855, are unconstitutional and void—inasmuch as they proceeded without such a quorum as the constitution requires—except so far as relates to the appointment of the time and place of the next meeting.

2d. The Synod is directed to review, at its next regular meeting, the proceedings and acts of said members, and to adopt or reject them, in whole or in part, as they may see fit.—1856, p. 539, O. S.

2. Session on the Sabbath Censured.

a. The Committee appointed to examine the records of the Synod of North Carolina reported, when the records were approved, with the exception that on page 48 it is recorded that Synod held a session on Sabbath evening. This was the closing meeting; and though it does not seem to have been one of much business, still, in the opinion of the Assembly, it was not proper.—1834, p. 445.

b. The records of the Synod of Peoria approved, with the exception "that on page 33 there is the record of a business meeting held on Sabbath evening."—1846, p. 18, N. S.

3. When a Synod has failed to Meet on its Adjournment.—The Remedy.

a. As it appeared from the representations of ministers and elders assembled at Yorktown, the 20th of October, 1795, and signed Robert Davidson, that the Synod of Philadelphia did not meet according to its last adjournment, nor since the time to which it was adjourned. On motion,

Resolved, That the moderator of the Synod of Philadelphia, the Rev. Dr. Robert Davidson, ought to be considered as competent to call a meeting of the same, and that he do accordingly call a meeting, to be held in the Third Presbyterian Church in the city of Philadelphia, on the fourth

Wednesday of October next; and that he give due notice thereof by a circular letter to the moderators of the several Presbyteries composing the said Synod, whose duty it shall be to acquaint the other members.

Resolved, as the opinion of the Assembly, That from the nature of the thing two or more members of any judicatory, meeting according to the adjournment, may adjourn from day to day until a sufficient number attend for the transacting of business, and in case a quorum should not attend within a reasonable time, that the moderator shall be considered as competent to fix any time and place he may judge proper for convening the body; and if he be absent, that the members assembled shall represent the matter speedily to him, that he may act accordingly."—1796, p. 113.

b. A request from the moderator of the Synod of Upper Missouri, that as the Synod failed to meet last fall, according to adjournment, in Kansas City, owing to the distracted state of the country, the Assembly would enjoin upon said Synod to meet in Liberty Church, Clay county, Missouri, on the 1st day of October next, at 7 o'clock P. M.

The Committee recommend that the request be granted, and the Synod be and hereby is directed to meet accordingly.—1862, p. 596. "Time changed to Oct. 8, and report adopted."—p. 610, O. S.

[At the same meeting a similar request from the Synod of Baltimore was answered in the same manner.]—p. 596, O. S.

Also Synod of Missouri, N. S.—1862, p. 14.

On petition of the Presbytery of Albany, the Assembly changed the time of the meeting of the Synod of Albany on account of the meeting of the Evangelical Alliance.—1873, p. 525.

4. Meetings pro re nata Constitutional.

a. The Committee of Overtures also reported Overture No. 13. This overture was taken up, and is as follows, viz.: "An answer is requested to the following question, viz., Has the moderator of a Synod a right to call a meeting of the Synod during the interval of its stated sessions?"

Resolved by the Assembly, That this question be answered in the affirmative.—1829, p. 268.

b. The Assembly took up the protest and complaint of a minority of the Synod of Virginia against a decision of said Synod in favor of called meetings of Synod. The complainants and Synod were heard, after which it was resolved that the complaint be not sustained.—1832, p. 368.

c. The Committee on the Records of the Synod of Tennessee reported that after a careful examination of those records they find them correct; and the attention of the Committee having been called to the report of a committee of the Synod of Tennessee relating to the constitutionality of a called meeting of said Synod, convened in accordance with a declaratory resolution of the General Assembly of the Presbyterian Church in 1796, and found on page 321 of the Digest published in 1820, after a careful examination of the whole subject, they recommend the following action in the case: That in the judgment of this General Assembly the meeting of the Synod of Tennessee at Knoxville, in said State, on the ninth day of November, was in accordance with the constitution of the Presbyterian Church, and the Assembly do so declare. The report was adopted.—1855, p. 16, N. S.

5. The Moderator must Specify the Object of the Meeting.

The records of the Synod of Kentucky were approved, except the record of a meeting of Synod, which was convened pursuant to call of the modera-

tor without a specification of the object for which they were convened.—1823, p. 74.

6. Moderator may not Change the Time of Meeting.

a. Resolved, That the records of the Synod of North Carolina be approved, with the exception of the postponement of the regular meeting of Synod by the moderator, which this Assembly consider irregular.—1848, p. 36, O. S.

b. Records of the Synod of Illinois approved, except in the case of the action of that body, as recorded on page 415, sustaining the act of the moderator of the Synod in changing the time of its annual meeting.—1854, p. 500, N. S.

7. A Superior Court may make the Change.

A request from the Presbytery of Missouri that the Assembly will change the place of the next stated meeting of the Synod of Missouri. The Committee recommended that the request be granted, and that the next stated meeting of the Synod of Missouri be held at Boonville instead of Jefferson City, to which place it now stands adjourned, which was adopted.—1842, p. 16, O. S.

[On the same page is a similar action changing the stated meeting of the Synod of North Carolina.]

III. The same rule as to corresponding members, which was laid down with respect to the Presbytery, shall apply to the Synod.

[See *ante*, chap. x., sec. xii., Form of Government.]

IV. The Synod has power to receive and issue all appeals regularly brought up from the Presbyteries; to decide on all references made to them; to review the records of Presbyteries, and approve or censure them; to redress whatever has been done by Presbyteries contrary to order; to take effectual care that Presbyteries observe the constitution of the Church; to erect new Presbyteries, and unite or divide those which were before erected; generally to take such order with respect to the Presbyteries, sessions and people under their care, as may be in conformity with the word of God and the established rules, and which tend to promote the edification of the Church; and, finally, to propose to the General Assembly, for their adoption, such measures as may be of common advantage to the whole Church.

1. The Synod has Appellate, but not Original, Jurisdiction.

a. The Assembly having maturely considered the appeal of Mr. Davis from the proceedings of the Synod of the Carolinas in his case,

Resolved, That although they highly approve of the zeal of the Synod to preserve the purity and peace of the Church within their bounds, yet they cannot but decide that in their proceedings in the above case, in deciding that they had a right to try Mr. Davis, when there was no reference nor appeal in his case before them, they have not strictly adhered to the constitution of the Presbyterian Church.—1810, p. 448.

b. This Decision Reaffirmed.

The Committee appointed to report on the petition of the Presbytery of South Carolina relative to a reconsideration of a decision of last Assembly reported, and recommended the reconsideration. Their report was rejected and the Committee discharged. Whereupon,

Resolved, That though the General Assembly regret the dissatisfaction of the Presbytery of South Carolina in the case of Mr. Davis, yet they cannot see it to be expedient or proper to reconsider the judgment of the General Assembly of last year on the case in question.—1811, p. 468.

c. That the Synod (of Genesee) seem to have forgotten the nature and limits of their appellate, as distinguished from the original, jurisdiction in the case, in that they censure at their bar the appellant in a way competent in any circumstances only to the session of the church to which the appellant was primarily amenable.—1840, p. 11, N. S.

2. The Synod may not institute Judicial Process.

The proceedings of the Synod of Cincinnati, in the institution and prosecution of judicial process against William Graham, are unconstitutional and irregular, and therefore null and void; and the Synod is hereby enjoined to take constitutional action in the case, and to revise and correct its proceedings accordingly.—1846, p. 31, N. S.

3. A Synod Censured for Entertaining an Appeal irregularly brought.

The records of the Synod of Utica excepted to.

1 and 2. See under Discipline, chap. vii., sec. iii., sub. sec. v., 3 *b*.—1840, p. 12, N. S.

4. The Synod may Reverse and Correct the Action of Presbytery, but must Observe the Rules of Discipline.

The Assembly having heard the complaint of the Presbytery of Carlisle against the Synod of Philadelphia, in the case of William S. M'Dowell, with the facts and arguments offered both by the Presbytery and the Synod, judge that the Synod had a constitutional right to reverse the decision of the Presbytery in this case, either in whole or in part, as to them might seem proper, but that in the exercise of this right the Synod have not duly regarded the principles of discipline prescribed in the constitution; inasmuch as it appears by their records that they have removed all censure from a man whom they declare to be deserving of rebuke, without directing that rebuke to be administered, and without receiving any evidence of his penitence.—1823, p. 81.

5. The Synod has Jurisdiction over the Members of an Extinct Presbytery not received by any other Presbytery.—1825, p. 147.

See above, chap x., sec. viii., 17.

6. A Synod visits a Church to Ascertain the Acceptability of its Elders.

Resolved, That the Assembly expresses no opinion upon the action of the Synod (of New Jersey) in appointing a committee to visit the Third Church, Newark, in order to ascertain if any member of the session were unacceptable to the people.—1862, p. 631, O. S.

The next year the complaint of William B. Guild against the action of Synod was sustained *pro forma*.—1863, p. 35, O. S.

A Synod directs a Presbytery to dissolve the pastoral relation, and on complaint to the Assembly is sustained. See above, chap. x., sec. viii., etc., appeal of Jos. Connell *vs.* Synod of Pittsburg.—1868, p. 648, O. S.

V. The Synod shall convene at least once in each year; at the opening of which a sermon shall be delivered by the moderator, or, in case of his absence, by some other member; and every particular session shall be opened and closed with prayer.

1. The above Rule construed Literally, and must be Obeyed.

a. The records of the Synod of Pittsburg approved, except "that at the opening of the Synod no sermon was delivered, as the Constitution requires, but on the following evening."—1827, p. 205.

b. The records of the Synod of Albany approved, except that "the Synod was opened without a sermon, whereas the Form of Government, chap. xi., sec. v., requires that a sermon shall be preached."—1843, p. 181, O. S.

c. Records of Synod of Buffalo, except,

3d. That it appears by the record on page 75 that a meeting of the Synod was opened without a sermon, whereas the Form of Government, chap. xi., sec. v., requires that a sermon shall be preached.

And again, on page 79, that at the opening of the Synod no sermon was delivered, as the Constitution requires, but on the following evening. —1856, p. 520. O. S.

2. The Records should State that the Meetings were Opened and Closed with Prayer.

a. The records of the Synod of Pennsylvania approved, except that "there is no evidence from the records that the last meeting of the Synod was opened with prayer."—1850, p. 314, N. S.; 1859, p. 531, O. S.

b. The records of the Synod of Tennessee were approved, with the following exceptions:

1. On p. 34 it appears from the record that the Synod adjourned at the close of the day without prayer.

2. On p. 36 it is recorded that the Synod was *constituted* with prayer, it being the second day of the sessions of the Synod.—1854, p. 500, N. S.

c. The records of the Synod of Kentucky approved, except that "there is no record of prayer in p. 176."—1854, p. 501, N. S.

d. Records of Synod of Minnesota approved, except "that on p. 54, in the record of the session of Friday, Sept. 30, 1859, no mention is made of the opening services."—1860, p. 239, N. S.

e. The opening minute of each session of the Synod of Cincinnati is defective, in not recording the meeting of the Synod before its being opened with prayer.—1849, p. 177, N. S.

f. Records of Synod of Cincinnati approved, except "that on p. 5 the Synod adjourned without prayer."—1865, p. 553, O. S.

g. Synod of Geneva, except "that it does not appear from the record that they finally closed their sessions with prayer."—1830, p. 288.

h. It does not appear from the records that the Synod of North Carolina closed its final session with the usual exercises of singing, prayer and the apostolical benediction.—1852, p. 216, O. S.

i. The Committee on the Records of the Synod of Sandusky reported, That they had examined the same, and recommend their approval, with the following exception:

On page 49, on motion to approve records of Presbytery of Michigan, the following exception was made by members of Synod: "With the exception to so much of the record as excepts to the sessional records of the Westminster Church, Detroit, and the church in Pontiac, for the failure to close meetings with prayer.

"While the Synod regards it as eminently proper to open and close the meetings of session with prayer, yet, as the matter is left by the Form of Government at the discretion of the session; and as such meetings are sometimes held under circumstances which render the formal opening and closing with prayer inconvenient, the exercise of the discretion of the session is not properly a matter of censure by Presbytery." The exception was lost.

It is the opinion of your Committee that Synod erred in declining to sustain this exception, it being in harmony with the Form of Government of our Church.—1863, p. 48, O. S.

j. The Synod of Columbus, "except that on several occasions, if the sessions of this Synod were opened with prayer, there is no record of the fact."—1872, p. 68.

VI. It shall be the duty of the Synod to keep full and fair records of its proceedings, to submit them annually to the inspection of the General Assembly, and to report to the Assembly the number of its Presbyteries, and of the members and alterations of the Presbyteries.

1. The Records must be Full and Fair.—Reasons for Decisions must be Recorded.

a. Synod of Pittsburg, except resolution on page 74, disapproving of the proceedings of a Presbytery, without assigning the reasons.—1820, p. 728.

b. Synod of Ohio, except a minute on page 243, disapproving of a decision of a Presbytery, and ordering said Presbytery to reconsider that decision, without any reasons being assigned.—1827, p. 202.

c. Absentees must be Recorded; Judicial Cases must be Stated.

The records of the Synod of Philadelphia were approved, with the following exceptions, viz.:

1st. That there is no record of absentees from the meeting.

2d. That it appears, from page 282, that an appeal and complaint was issued in the usual form, without any intimation of what the sentence or proceeding was against which the complaint was made.

3d. That it appears, from page 273, that another complaint was issued, without any record of the proceeding complained of or the body whose proceeding was the subject of complaint.—1852, p. 216, O. S.

d. Resolution must be Recorded; Nature and Reasons for Decision.

The records of the Synod of Ohio were approved, with the exceptions, 1st. That on page 77 it is stated that after discussion certain resolutions were adopted, as follows. None of these resolutions appear on record, and their character is not described. 2d. In a judicial case, on its issue, the final record, containing the sentence of the court, is defective, inasmuch

as its statement gives no clue to the merits or significance of the decision, or reasons for it.—1861, p. 315, O. S.

e. Overture Answered must be Described.

The Committee on the records of the Synod of Pittsburg presented the following report, which was adopted:

The Committee on the records of the Synod of Pittsburg report, recommending their approval, with exception of a minute, page 152 of the records, where an overture from the United Presbyterian Synod of Pittsburg appears to have been answered without any description being given of it.—1865, p. 541, O. S.

f. Papers must be Preserved, Pages numbered.

The Committee on the records of the Synod of Wisconsin presented the following report, which was adopted:

The Committee on the records of the Synod of Wisconsin report, recommending their approval as far as written, with these exceptions: 1st. The pages are not numbered. 2d. There seems to have been a want of proper care in the preservation of papers, as the Committee on the Minutes of the General Assembly made a verbal report which was accepted, but the report is wanting. This thing the Synod itself condemns in the case of the Presbytery of Dane.—1865, p. 541, O. S.

g. Judicial Cases must be Described.

Synod of Cincinnati. On pp. 6 and 13 a complaint was received, referred and decided, without any statement in regard to the character of said complaint.—1865, p. 553, O. S.

h. Reasons must be Recorded.

The Committee on the Synod of Onondaga reported, recommending that they be approved as far as written, with the following exception:

On page 186 we find the Synod administering censure to the Presbytery of Cayuga for an act of discipline toward one of its churches, on the ground that the *reasons* for such discipline were not given according to the requirements of our Book of Discipline; yet on the next page we find said Synod reaffirming the acts of a church censured by its Presbytery, and reversing the decision of the Presbytery without giving the required reasons for such a singular proceeding.

The report was adopted.—1863, p. 277, N. S.

i. The Synod (of Illinois) have not discharged their duty. They ought to have spread upon their record everything which influenced their judgment in the case.—1840, p. 303, O. S.

j. The Committee on the Records of the Synod of Cincinnati reported as follows:

1. That they have examined the records, and move they be approved as far as written, with the following exceptions, that on page 36 the minute is defective in that a complaint was received, referred and decided, without any statement with regard to the subject matter of said complaint.

2. This defect in the record disables this Assembly from deciding as to the validity of the recorded reasons given for the decision of the Synod in the case on page 37.

3. This defect in the minutes is the more to be excepted against, inasmuch as it records the implied censure of the complainant, while the As-

sembly is deprived of the opportunity to pass upon the case.—1866, p. 50, O. S.

See also Book of Discipline, chap. vii., sec. i., sub. sec. iii.

2. The Records Should be Fair.

a. The records of the Synod of Northern Indiana were approved, with the exception of the mode of recording the minute of a joint session of the two Synods of Indiana and Northern Indiana, which, instead of being written, is cut from a newspaper and pasted in the book.—1868, p. 640, O. S.

b. Sundry Omissions and Irregularities Censured.

The records of the Synod of Wisconsin were approved, with the following exceptions, viz.:

1. The records are marked by several verbal omissions and the neglect of orthography and punctuation, and the absentees of 1852–1853 are not recorded.

2. During the sessions of 1852 there is no evidence that the Synod read, corrected or approved the records, though on page 16 it appears that the records of that year were read twelve months after in Synod, though still there is no evidence that they were approved by it. The minutes of 1853 do not appear to have been ever read or approved in Synod. And the records of 1854 were not read and approved till the meeting of 1855.

3. On page 23 it appears that the Synod, October 13, 1853, adjourned to meet at Neenah the second Thursday of October, 1854. A quorum having failed to meet at that time, the members present adjourned to a *different time and place* (Madison, October 26), and there is no evidence that any steps were taken to cause their moderator to notify all the ministers and church sessions of the new meeting. This is contrary to the spirit of the precedents approved by the Assembly (see minutes 1796, p. 113; Baird, p. 212), and transcends the liberty allowed for such cases by the third general rule for judicatories.

4. On pages 23, 27 and 32 are recorded adjournments without any evidence that the sessions were closed with prayer.

5. On pages 35, 36, the report of a Committee of Review on the Records of the Presbytery of Dane, containing an exception against the action of the Presbytery for appointing Rev. J. W. Sterling its *lay* commissioner to the General Assembly, is entered on the records of Synod without any record of its adoption by Synod; and again it is stated that this report was amended by striking out the exception, and there is still no evidence of its adoption as amended. Also, on pages 39, 40, the report of a committee touching the complaints of J. Y. Smith is made a part of the records of Synod, though, so far as these records show, it was only *accepted* and *laid on the table.*

6. The records of the Synod's action on the complaints of said J. Y. Smith against the Presbytery of Dane are not complete enough to fulfill the demands of the Book of Discipline, chap. iv., sec. xxiii., which says that the record ought to "exhibit everything which had an influence on the judgment of the court." No exception is proposed against the *action* of Synod touching those complaints, inasmuch as they have been brought before this Assembly through another channel (the Judicial Committee) and passed upon.—1856, p. 520, O. S.

3. The Records must be Presented Annually.

a. Ordered, That the minutes of the respective Synods be laid yearly before the General Assembly, to be by them revised.—1789, p. 7.

b. Overture No. 6 was taken up, viz., a request of the Synod of Indiana, that the General Assembly be requested to dispense with synodical reports in future.

Resolved, That this request cannot be granted because it is unconstitutional.—1830, p. 302.

c. Resolved, That the respective Synods make yearly reports to the General Assembly of all the licensures, ordinations and installments, translations and deaths, and whatever changes may take place among the members within their bounds.—1789, p. 7.

d. The Committee on Overture No. 7, viz., "a request from the Synod of Ohio to change the form of statistical reports from the Synods to the General Assembly," made the following report, which was adopted, viz.: That inasmuch as the General Assembly has required all the Presbyteries to send up their statistical reports immediately after the last stated meeting prior to the next succeeding Assembly, and as these reports anticipate the information communicated in the synodical reports about a year; therefore,

Resolved, That each Synod shall not be required to report in detail, but simply to report to the Assembly, the number of its Presbyteries, and of the members and alterations of the Presbyteries, agreeably to the sixth section of chapter eleventh on Form of Government.—1832, p. 371.

e. The Committee on the Records of the Synod of Wisconsin reported that they have been subjected to an increased amount of labor in examining the minutes of this Synod in consequence of the failure of the stated clerk to send up the records annually to the Assembly, as our rules require. The minutes of this body have not been brought under the inspection of the Assembly since May, 1860, leaving an accumulation of four years of unexamined and unapproved records.

There are indications that the stated clerk has been delinquent in punctually recording the annual minutes as taken by the temporary clerk. In this way the records were probably not in readiness to be sent to the Assembly at the proper time by the commissioners annually appointed.

With these exceptions, the Committee recommended that the records be approved as far as written, in the usual form.

The report was adopted.—1864, p. 482, N. S. [See 1856, p. 519, O. S.]

f. Records of the Synod of Wabash approved, except that they have not been presented to the Assembly since 1859.—1861, p. 462, N. S.

g. Records of Synod of Columbus, except that these records have not been presented to the Assembly since the reconstruction of the Synod in 1870.—1872, p. 68.

h. Resolved, That the stated clerk be directed to remind the Synod of Alta California of its neglect of duty in the failure for several years to send its records to the General Assembly for review.—1868, p. 15, N. S.

i. The Synods of Atlantic, China, Harrisburg, Illinois South, Indiana North, Kansas and Pacific were directed, at their next regular meeting, to call their stated clerks to account for not having sent up their records to this Assembly.—1872, p. 68.

4. The Records must Show all Changes in the Presbyteries.

"The records of the Synod of Albany approved as orderly and correct, excepting that the Presbyterial reports are not so fully recorded as to exhibit in detail even the changes which take place from time to time in the Presbyteries."—1811, p. 479.

5. The Record should State the Body to which a Corresponding Member belongs.

a. The proceedings of the Synod of Albany approved, with the exception of having invited several ministers to take their seats as corresponding members, without describing the ecclesiastical body to which such ministers belong.—1815, p. 578.

b The records of the Synod of Illinois approved, "except the Rev. Messrs. James H. Dickey, Dewey, Whitney and W. Comstock, ministers of the Church of Jesus Christ, being present, were invited to sit as corresponding members," the bodies to which the ministers respectively belong not being mentioned.—1840, p. 296, O. S.

c. The records of the Synod of Peoria were approved, with the exception that on page 28 mention is made of a minister being invited to sit as a corresponding member without designating the ecclesiastical body to which he belonged.—1846, p. 18, N. S.

d. The records of the Synod of Illinois, p. 440, "do not state the ecclesiastical connection of the Rev. Amasa Lord, who was invited to sit as a corresponding member."—1857, p. 387, N. S.

6. The Minutes should be Read and Approved.

a. The records of the Synod of Cincinnati approved, except "the omission at the opening of each session to read the minutes of the previous session, with no evidence in the records that the minutes were approved by Synod."—1849, p. 177, N. S.

b. Synod of Wabash, except "that on pp. 51 and 52 the Synod met and proceeded to business without reading the minutes of the previous day's session. On page 59 the Synod closed its annual sessions and adjourned without reading or approving the minutes of the clerk."—1854, p. 500, N. S.

c. The records of the Synod of Wisconsin, except that "during the sessions of 1852 there is no evidence that the Synod read, corrected or approved the records; though on p. 16 it appears that the records of that year were read twelve months after, in Synod, though still there is no evidence that they were approved by it. The minutes of 1853 do not appear to have been ever read or approved in Synod. And the records of 1854 were not read and approved till the meeting of 1855."—1856, p. 520, O. S.

d. The records of the Synod of Pennsylvania were approved, excepting "that it does not appear from the book that the records have ever been approved by the Synod."—1857, p. 387, N. S.

e. Synod of Arkansas, "the minutes were not read and approved."—1860, p. 34, O. S.

7. The Minutes should be Attested by the Stated Clerk.

a. The records of the Synod of Tennessee are not attested by the stated clerk.—1854, p. 500, N. S.

b. The records of the Synod of Kentucky not approved by the Synod, and some not attested by the stated clerk.—1854, p. 501, N. S.

c. Synod of Wabash, "not signed by the stated clerk, as our Church order requires."—1862, p. 28, N. S.

8. Absentees must be called to Answer.

a. The Committee appointed to examine the records of the Synod of Virginia reported, and the book was approved to page 83, with the exception

of a resolution found in page 82, in which the Synod determined to discontinue the practice of calling upon their members for the reasons of their absence from its meetings.—1825, p. 140.

b. Synod of New York, except "that reasons for tardiness do not appear to have been required of those who were not present at the opening of Synod."—1873, p. 506.

9. Names of Absentees should be Recorded.

The records of the Synod of Peoria were approved, except "that in the roll of the Synod record is made that no members of the Presbytery of Belvidere were present, but no record of the names of absentees."—1850, p. 314, N. S.

a. The records of the Synod of Mississippi approved, except "that the absentees are not recorded in their meetings of 1854 and 1855."—1856, p. 538, O. S.

b. The records of the Synod of Philadelphia approved, except "that there is no record of absentees from the meeting."—1852, p. 216, O. S.

c. "The records of the Synod of Philadelphia were approved, with the exception that no record is made of the names of absentees, and no excuse for absence required."—1868, p. 640, O. S.

10. Synod may not Discipline Absentees.

"The records of the Synod of the Carolinas were approved, with the exception of the resolution to make a minister liable to suspension, without trial, for three years' absence from Synod, without sending forward his reason for absence."—1811, p. 468.

11. A Narrative of the State of Religion should be Prepared and Recorded.

a. The records of the Synod of Illinois were, on the recommendation of the Committee, approved, with the following exception, viz.:

At the sessions of Synod in October, 1846, it does not appear from the records that a narrative of the state of religion was prepared. Such an omission is considered contrary to the general usage of Synods, and not for the edification of the Church.—1849, p. 176, N. S.

b. The records of the Synod of Illinois were approved, except "that they do not contain the narrative on the state of religion which was presented by the Committee on that subject at the sessions of the Synod in 1854, p. 434."—1857, p. 387, N. S.; 1861, p. 462, N. S.; 1862, p. 28, N. S.

c. Resolved, That the Assembly earnestly recommend to the Presbyteries and Synod to record in their minutes the narrative of religion, and all other important papers.—1870, p. 91.

SYNODICAL REPORTS.

A *Statistical Report* is to be forwarded to the Assembly by the stated clerk of every Synod, in which are to be stated the number of Presbyteries, ministers, churches, licentiates and candidates within their bounds, and how distributed, the changes which may have been made in the number or arrangement of their Presbyteries, the names of the stated clerks of the Presbyteries, the place and hour of the next annual meeting, and the name of the moderator and stated clerk of the Synod. Such a report is necessary in order to the correctness of the tabular report of the Synods printed in the appendix to the minutes.

CHAPTER XII.

*OF THE GENERAL ASSEMBLY.**

I. The General Assembly is the highest judicatory of the Presbyterian Church. It shall represent, in one body, all the particular churches of this denomination; and shall bear the title of The General Assembly of the Presbyterian Church in the United States of America.

* The radical principles of Presbyterian church government and discipline are: That the several different congregations of believers, taken collectively, constitute one Church of Christ, called emphatically the Church; that a larger part of the Church, or a representation of it, should govern a smaller, or determine matters of controversy which arise therein; that, in like manner, a representation of the whole should govern and determine in regard to every part and to all the parts united—that is, that a majority shall govern, and consequently that appeals may be carried from lower to higher judicatories, till they be finally decided by the collected wisdom and united voice of the whole Church. For these principles and this procedure, the example of the apostles and the practice of the primitive Church are considered as authority. See Acts xv. to the 29th verse, and the proofs adduced under the last three chapters.

1. Formation of the General Assembly.

a. The Synod, considering the number and extent of the churches under their care, and the inconvenience of the present mode of government by one Synod,

Resolved, That this Synod will establish out of its own body three or more subordinate Synods, out of which shall be composed a General Assembly, Synod or Council, agreeably to a system hereafter to be adopted. —1786, p. 517.

b. Resolved unanimously, That this Synod be divided, and it is hereby divided, into four Synods, agreeably to an Act made and provided for that purpose in the sessions of Synod in the year one thousand seven hundred and eighty-six; and that this division shall commence on the dissolution of the present Synod.

Resolved, That the first meeting of the General Assembly, to be constituted out of the above said four Synods, be held, and it is hereby appointed to be held, on the third Thursday of May, one thousand seven hundred and eighty-nine, in the Second Presbyterian Church in the city of Philadelphia, at eleven o'clock A. M.; and that Dr. Witherspoon, or, in his absence, Dr. Rogers, open the General Assembly with a sermon, and preside till a moderator be chosen.—1788, p. 548.

2. Organization of the Assembly.

[Usage has fixed the third Thursday of May, at 11 A. M., as the time for the annual meeting of the Assembly. The last moderator present preaches the sermon, and then opens the session with prayer, and presides during the organization of the Assembly. The Committee on Commissions report; irregular commissions are referred to a special Committee, who report, and the roll is completed. A moderator and temporary clerks are chosen, and the Assembly is ready for business.]

"Last Moderator present," Not necessarily in Commission.

PITTSBURG, May 21, 1835.

The General Assembly of the Presbyterian Church met in the First Presbyterian Church in this city, and the Rev. Dr. Lindsley, the moderator of the last Assembly, being absent, was opened with a sermon by the Rev. Samuel Miller, D. D., at the request of the Rev. Dr. William A. McDowell, the last moderator present, with a sermon on 2 Corinthians iv. 7: "But we have this treasure in earthen vessels, that the excellency of the power may be of God and not of us." After the sermon the stated clerk called the house to order and informed them, that the Rev. Dr. Lindsley, the moderator of the last Assembly, being absent, the duties of the chair devolved upon the last moderator who is present, and has a commission to sit in this Assembly, and therefore he moved that the Rev. Nathan S. S. Beman, D. D., be called to the chair. This motion prevailed, and Dr. Beman took the chair, and constituted the Assembly with prayer.—1835, p. 461.

Thursday afternoon, 3 o'clock.

The Assembly met.

A motion was made to reconsider the vote by which Dr. Beman was called to the chair, on the ground that many persons voted in the apprehension that Dr. Wm. A. McDowell, the moderator immediately preceding Dr. Lindsley, was not in the house, and that many others believed the rule of the house required the constituting moderator to be in commission, which Dr. McDowell was not. This motion, after considerable discussion, was adopted unanimously.

After some further remarks, it was agreed that the original motion of the stated clerk should be again submitted to the house, and the vote be taken by him. Whereupon Dr. Ely put the question: "All who are in favor of sustaining the resolution passed in the morning, by which Dr. Beman was called to the chair, will signify it by saying Aye." This motion was lost.

It was then moved that the Rev. Wm. A. McDowell, D. D., being the last moderator present, be requested to take the chair. This motion prevailed, and Dr. McDowell took the chair accordingly.—1835, p. 466.

Who shall open the Assembly, the Moderator being absent?—A Commissioner.

Whereas, there exists a difference of opinion as to the proper person to open the sessions of the General Assembly, in case the moderator of the Assembly immediately preceding be not present; therefore,

Resolved, That it is the deliberate judgment of this General Assembly, that by the Constitution of our Church no person is authorized to open the sessions of the General Assembly, or to preside at the opening of said sessions, except the moderator of the Assembly immediately preceding, or, in case of his absence, a commissioner to the Assembly, selected for the purpose by the other commissioners, met at the time and place fixed for said meeting.—1843, p. 194, O. S.

The Rule as Adopted in 1871.

If a quorum be assembled at the hour appointed, and the moderator be absent, the last moderator present, or, if there be none, the senior member present, shall be requested to take his place without delay until a new election. (Rule ii.)—1871, p. 491.

3. Rules of Organization.—Committee on Commissions.

Resolved, That the permanent and stated clerks be and they hereby are appointed a standing Committee of Commissions; and that the commissioners to future Assemblies hand their Commissions to said committee, in the room in which the Assembly shall hold its sessions, on the morning of the day on which the Assembly opens, previous to 11 o'clock; and further, that all commissions which may be presented during the sessions of the Assembly, instead of being read in the house, shall be examined by said Committee, and reported to the Assembly.—1829, p. 269.

I. That the Committee of Commissions shall, in the afternoon, report the names of all whose commissions shall appear to be regular and constitutional, and the persons whose names shall thus be reported shall immediately take their seats and proceed to business.

a. II. The first act of the Assembly, when thus ready for business, shall be the appointment of *a Committee of Elections*, whose duty it shall be to examine all informal and unconstitutional commissions, and report on the same as soon as practicable.—1826, p. 191.

STANDING ORDER.

The credentials of commissioners and delegates are to be presented at a previous hour of the same day, or of the preceding day, according to public notice, to the stated and permanent clerks, acting as a standing Committee on Commissions.

b. The Committee on Commissions reported that several persons had appeared as commissioners whose commissions were either entirely wanting or defective.

Whereupon a Committee on Elections, consisting of the Rev. George C. Heckman, D. D., the Rev. Samuel M. Morton and Mr. David Robinson, was appointed, to whom these cases were referred.—1870, p. 3.

[Subsequently] on recommendation of the Committee on Commissions and the Committee on Elections, the following persons were recognized as duly appointed commissioners of this General Assembly, and their names entered on the roll of the Assembly.—1870, p. 4.

c. The Rev. Daniel W. Poor, D. D., and Rev. David X. Junkin, D. D., ministers, and Hon. James Pollock and Benjamin F. Butler, elders, were appointed a Committee on Elections, who presently reported, recommending the enrollment of a number of ministers and elders, present without commissions, or with informal commissions, but with evidence satisfactory of appointment by their respective Presbyteries; and their report was adopted.—1871, p. 490.

[For usages as to defective commissions, see under Form of Government, chap. xxii., sec. ii.]

4. Of the Mode of Choosing the Moderator of the Assembly.

On motion agreed that it be the standing rule of the General Assembly, in choosing a moderator, that any commissioner may nominate a candidate for the chair. The candidates so pointed out shall then severally give their votes for some one of their number, and withdraw; when the remaining commissioners shall proceed, *viva voce*, to choose by a plurality of votes one of said candidates for moderator.—1791, p. 39.

In the Assembly of 1846, O. S., it was

Resolved, That a majority of all the votes given for moderator be necessary for a choice.—p. 189.

A like resolution was passed by nearly every Assembly from 1851 to 1869.

5. Of the Manner of Installing the Moderator.

The Committee appointed to examine the rules of the house, and to add to them, if they should judge it necessary, a rule directing the method in which a moderator, after his election, shall be introduced to his office, made their report, which was agreed to, and is as follows:

Your Committee report that when a new moderator hath been elected, before he take the chair, the former moderator shall address him and the house, in the following or like manner, viz.:

Sir: It is my duty to inform you, and announce to this house, that you are duly elected to the office of moderator in this General Assembly. For your direction in office, and for the direction of this Assembly in all your deliberations, before I leave this seat, I am to read to you and this house the rules contained in the records of this Assembly, which I doubt not will be carefully observed by both, in conducting the business that may come before you.

[Here the moderator is to read the rules,* and afterward add:]

Now, having read these rules, according to order, for your instruction as moderator, and for the direction of all the members in the management of business, praying that almighty God may direct and bless all the deliberations of this Assembly for the glory of his name, and for the edification and comfort of the Presbyterian Church in the United States, I resign my place and office as Moderator.—1791, p. 34; 1822, pp. 43, 44.

Rules Relating to the Moderator.

1. The moderator shall take the chair precisely at the hour to which the judicatory stands adjourned, shall immediately call the members to order, and on the appearance of a quorum shall open the session with prayer.

4. It shall be the duty of the moderator, at all times, to preserve order, and to endeavor to conduct all business before the judicatory to a speedy and proper result.

5. It shall be the duty of the moderator carefully to keep notes of the several articles of business which may be assigned to particular days, and to call them up at the time appointed.

6. The moderator may speak to points of order, in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the judicatory by any two members.

7. The moderator shall appoint all committees, except in those cases in which the judicatory shall decide otherwise.

8. When a vote is taken by ballot in any judicatory, the moderator shall vote with the other members; but he shall not vote in any other case, unless the judicatory be equally divided; when, if he does not choose to vote, the question shall be lost.

6. Communications addressed to the Moderator.

Resolved, That every letter or communication addressed to the moderator be opened and read by him, and at his discretion be either communicated immediately to the Assembly for their decision, or to the Committee of Overtures, to be by them brought before the house in the ordinary channel.—1794, p. 79.

* Instead of reading the rules, it has become usage to put the book containing them formally in the hands of the new moderator, and to make the necessary change in the formula above. See page 205 for the rules in full. For convenience such as concern the moderator in the discharge of his duty are given here.

7. The Moderator may not have a double Vote.

On the question being taken, the moderator claimed a right to a vote as a commissioner from the Presbytery of Albany, distinct from the casting vote. He left it to the house to decide on the claim. The house, having taken a vote on the subject, decided by a great majority against the moderator's claim.—1798, p. 140.

8. The Moderator, when a Member of a Court appealed from or a Party in the Case, will not Preside.

a. The moderator, being a member of the Synod of Philadelphia (appealed from), withdrew, and Dr. M'Knight took the chair.—1792, p. 56.

b. Appeal of Pope Bushnell. The moderator, being a member of the Synod appealed from, Mr. Jennings, the last moderator present, took the chair.—1826, p. 184.

c. Judicial Case No. 1 was taken up. The moderator, being a party in the case, vacated the chair, and on motion, Dr. Krebs was requested to act as moderator during the trial of the case.—1866, p. 48, O. S.

9. Rules of Order for the General Assembly.

The General Rules for Judicatories, as adopted by the Assembly, have appended the following note as defining their authority, viz.:

The following rules, not having been submitted to the Presbyteries, make no part of the constitution of the Presbyterian Church. Yet the General Assembly of 1821, considering uniformity in proceedings in all the subordinate judicatories as greatly conducive to order and despatch of business, and having revised and approved these rules, recommend them to the Synods, Presbyteries and sessions as a system of regulations which, if they think proper, may be advantageously adopted by them.

The rules, as modified and adopted by the Assembly for its guidance in 1822, pp. 42–45, may be found in full in New Digest, pp. 168–171. Some alteration was made chiefly with regard to the previous question—*e. g.*, 1835, p. 473, 1851, p. 27, N. S. The rules as in use in the N. S. Assembly may be found in New Digest, pp. 602–605, the O. S. in Baird's Digest, 866–870. On the reunion the Assembly resolved to adopt the general rules for judicatories contained in the appendix to the constitution as the rules of this Assembly, except that the 13th, 14th, 17th and 18th rules shall be as follows, viz.:

13. Motions to lay on the table, to take up business, to adjourn, and the call for the previous question, shall be put without debate.

On questions of order, postponement, or commitment no member shall speak more than once.

On all other questions, each member may speak twice, but not oftener, without express leave of the Judicatory.

14. When a question is under debate, no motion shall be received unless to adjourn, to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit or to amend; which several motions shall have precedence in the order in which they are herein arranged, and the motion for adjournment shall always be in order.

17. The previous question shall be put in this form, namely, Shall the main question be now put?

It shall only be admitted when demanded by a majority of the members present; and the effect shall be to put an end to all debate and bring the body to a direct vote: *First*, on a motion to commit the subject under consideration (if such motion shall have been made); *secondly*, if the

motion for commitment does not prevail, on pending amendments; and *lastly*, upon the main question.

The eighteenth rule to be omitted, as superseded and unnecessary.—1870, p. 12.

A Committee—Rev. George W. Musgrave, D. D., Rev. Z. M. Humphrey, D. D., Rev. J C. Watson, D. D., Hon. Wm. Strong, LL.D., and Hon. J. Ross Snowden—was appointed to revise the rules for judicatories, and report to the next General Assembly.—1870, p. 13.

The Committee appointed by the last General Assembly to consider and report general rules for judicatories presented a report, with general rules, as follows:

The Committee appointed by the last General Assembly to revise the general rules for judicatories respectfully present the following report:

The Committee found, on a comparison of the rules in use in the two former branches of the Church, that they were, with very few exceptions, identical, and that very few changes were necessary. The Committee propose only four changes, each of which is indicated in the margin of the report. The proposed changes relate to the presentation of minutes, motions to amend, to lay on the table, and the previous question; and are numbered respectively 12, 20, 21 and 22.

For the sake of a more convenient reference, the rules have been rearranged, so as to bring those relating to the same or kindred subjects more nearly together.

We are happy to add that the Committee are unanimous in recommending to the Assembly the adoption of the subjoined rules, and would respectfully suggest that, if adopted, the Board of Publication should be directed to publish them as thus arranged and modified.

GENERAL RULES FOR JUDICATORIES.

I. The moderator shall take the chair precisely at the hour to which the judicatory stands adjourned, and shall immediately call the members to order, and on the appearance of a quorum shall open the session with prayer.

II. If a quorum be assembled at the hour appointed, and the moderator be absent, the last moderator present, or, if there be none, the senior member present, shall be requested to take his place without delay, until a new election.

III. If a quorum be not assembled at the hour appointed, any two members shall be competent to adjourn from time to time, that an opportunity may be given for a quorum to assemble.

IV. It shall be the duty of the moderator, at all times, to preserve order, and to endeavor to conduct all business before the judicatory to a speedy and proper result.

V. It shall be the duty of the moderator carefully to keep notes of the several articles of business which may be assigned for particular days, and to call them up at the time appointed.

VI. The moderator may speak to points of order, in preference to other members, rising from his seat for that purpose, and shall decide questions of order subject to an appeal to the judicatory by any two members.

VII. The moderator shall appoint all Committees, except in those cases in which the judicatory shall decide otherwise.

VIII. When a vote is taken by ballot in any judicatory, the moderator shall vote with the other members; but he shall not vote in any other case, unless the judicatory be equally divided; when, if he do not choose to vote, the question shall be lost.

IX. The person first named on any Committee shall be considered as the chairman thereof, whose duty it shall be to convene the Committee; and, in case of his absence or inability to act, the second named member shall take his place and perform his duties.

X. It shall be the duty of the clerk, as soon as possible after the commencement of the sessions of every judicatory, to form a complete roll of the members present, and put the same into the hands of the moderator. And it shall also be the duty of the clerk, whenever any additional members take their seats, to add their names, in their proper places, to the said roll.

XI. It shall be the duty of the clerk immediately to file all papers, in the order in which they have been read, with proper endorsements, and to keep them in perfect order.

XII. The minutes of the last meeting of the judicatory shall be presented at the commencement of its sessions, and, if requisite, read and corrected.

XIII. Business left unfinished at the last sitting is ordinarily to be taken up first.

XIV. A motion made must be seconded, and afterward repeated by the moderator, or read aloud, before it is debated; and every motion shall be reduced to writing, if the moderator or any member require it.

XV. Any member who shall have made a motion shall have liberty to withdraw it, with the consent of his second, before any debate has taken place thereon; but not afterward, without the leave of the judicatory.

XVI. If a motion under debate contain several parts, any two members may have it divided, and a question taken on each part.

XVII. When various motions are made with respect to the filling of blanks with particular numbers or times, the question shall always be first taken on the highest number and the longest time.

XVIII. Motions to lay on the table, to take up business, to adjourn, and the call for the previous question, shall be put without debate. On questions of order, postponement or commitment, no member shall speak more than once. On all other questions, each member may speak twice, but not oftener, without express leave of the judicatory.

XIX. When a question is under debate, no motion shall be received, unless to adjourn, to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit or to amend, which several motions shall have precedence in the order in which they are herein arranged; and the motion for adjournment shall be always in order.

XX. An amendment, and also an amendment to an amendment, may be moved on any motion, but a motion to amend an amendment to an amendment, shall not be in order. Action on amendments shall precede action on the original motion.

XXI. A distinction shall be observed between a motion to lay on the table for the present, and a motion to lay on the table unconditionally, viz.: A motion to lay on the table for the present shall be taken without debate; and if carried in the affirmative, the effect shall be to place the subject on the docket, and it may be taken up and considered at any subsequent time. But a motion to lay on the table, unconditionally, shall be taken without debate; and if carried in the affirmative, it shall not be in order to take up the subject during the same meeting of the judicatory, without a vote of reconsideration.

XXII. The previous question shall be put in this form, namely, Shall the main question be now put? It shall only be admitted when demanded by a majority of the members present; and the effect shall be to put

an end to all debate, and bring the body to a direct vote: First, on a motion to commit the subject under consideration (if such motion shall have been made); Secondly, if the motion for commitment does not prevail, on pending amendments; and lastly, on the main question.

XXIII. A question shall not be again called up or reconsidered at the same sessions of the judicatory at which it has been decided, unless by the consent of two thirds of the members who were present at the decision, and unless the motion to reconsider be made and seconded by persons who voted with the majority.

XXIV. A subject which has been indefinitely postponed, either by the operation of the previous question or by a motion for indefinite postponement, shall not be again called up during the same sessions of the judicatory, unless by the consent of three fourths of the members who were present at the decision.

XXV. Members ought not, without weighty reasons, to decline voting, as this practice might leave the decision of very interesting questions to a small proportion of the judicatory. Silent members, unless excused from voting, must be considered as acquiescing with the majority.

XXVI. When the moderator has commenced taking the vote, no further debate or remark shall be admitted, unless there has evidently been a mistake, in which case the mistake shall be rectified, and the moderator shall recommence taking the vote.

XXVII. The yeas and nays on any question shall not be recorded, unless required by one third of the members present.

XXVIII. No member, in the course of debate, shall be allowed to indulge in personal reflections.

XXIX. If more than one member rise to speak at the same time, the member who is most distant from the moderator's chair shall speak first.

XXX. When more than three members of the judicatory shall be standing at the same time, the moderator shall require all to take their seats, the person only excepted who may be speaking.

XXXI. Every member, when speaking, shall address himself to the moderator, and shall treat his fellow-members, and especially the moderator, with decorum and respect.

XXXII. No speaker shall be interrupted, unless he be out of order, or for the purpose of correcting mistakes or misrepresentations.

XXXIII. Without express permission, no member of a judicatory, while business is going on, shall engage in private conversation, nor shall members address one another, nor any person present, but through the moderator.

XXXIV. It is indispensable that members of ecclesiastical judicatories maintain great gravity and dignity while judicially convened; that they attend closely in their speeches to the subject under consideration, and avoid prolix and desultory harangues; and when they deviate from the subject, it is the privilege of any member, and the duty of the moderator, to call them to order.

XXXV. If any member act, in any respect, in a disorderly manner, it shall be the privilege of any member, and the duty of the moderator, to call him to order.

XXXVI. If any member consider himself aggrieved by a decision of the moderator, it shall be his privilege to appeal to the judicatory, and the question on the appeal shall be taken without debate.

XXXVII. No member shall retire from any judicatory without the leave of the moderator, nor withdraw from it to return home without the consent of the judicatory.

XXXVIII. All judicatories have a right to sit in private on business which in their judgment ought not to be matter of public speculation.

XXXIX. Besides the right to sit judicially in private whenever they think proper to do so, all judicatories have a right to hold what are commonly called "interlocutory meetings," in which members may freely converse together, without the formalities which are usually necessary in judicial proceedings.

XL. Whenever a judicatory is about to sit in a judicial capacity, it shall be the duty of the moderator solemnly to announce from the chair that the body is about to pass to the consideration of the business assigned for trial, and to enjoin on the members to recollect and regard their high character as judges of a court of Jesus Christ, and the solemn duty in which they are about to act.

XLI. In all cases before a judicatory, where there is an accuser or prosecutor, it is expedient that there be a Committee of the judicatory appointed (provided the number of members be sufficient to admit it without inconvenience), who shall be called the "Judicial Committee," and whose duty it shall be to digest and arrange all the papers, and to prescribe, under the direction of the judicatory, the whole order of proceedings. The members of this Committee shall be entitled, notwithstanding their performance of this duty, to sit and vote in the cause, as members of the judicatory.

XLII. But in case of process on the ground of general rumor, where there is, of course, no particular accuser, there may be a Committee appointed (if convenient), who shall be called the "Committee of Prosecution," and who shall conduct the whole course on the part of the prosecution. The members of this Committee shall not be permitted to sit in judgment in the case.

XLIII. The moderator of every judicatory above the church session, in finally closing its sessions, in addition to prayer, may cause to be sung an appropriate psalm or hymn, and shall pronounce the apostolical benediction.

The report was accepted, and the rules unanimously adopted, for the use of the General Assembly. They were also recommended to all the lower judicatories of the Church for adoption; and in accordance with the suggestion of the report, the Board of Publication was ordered to publish the rules, as thus arranged and modified, in the appendix to the constitution.—1871, pp. 491–495.

X. OFFICERS OF THE ASSEMBLY.

1. The Stated Clerk.

Appointment.

a. Ordered, that Dr. Duffield be appointed stated clerk of the Assembly, procure a proper book into which to transcribe their minutes, and lay the expense of the book and of transcribing the minutes before the General Assembly at their next meeting.—1789, p. 13.

Duties of the Stated Clerk.

b. The stated clerk shall transcribe for the press such parts as may be necessary of the minutes ordered to be published from year to year. He shall correct the press, and superintend the printing of all the minutes and papers which shall be ordered to be printed by the General Assembly. As soon as the extracts are printed from year to year, he shall send one

copy by mail to each Presbytery, and apportion and send the rest by private conveyance to the Presbyteries and other bodies, as shall be prescribed by the Assembly, only reserving a sufficient number of copies for binding. He shall have the charge of all the books and papers of the General Assembly, shall cause their minutes to be fairly transcribed into the book or books provided for the purpose, and give attested copies of all minutes and other documents, when properly required so to do.—1807, p. 377.

To Notify Presbyteries whose Commissioners have left without Leave.

c. Whereas, it has frequently happened that members of this Assembly, neglecting their duty and inattentive to the rules of decorum, have abruptly left the Assembly and returned home without leave of absence,

Resolved, That in all similar cases which shall occur in future, it shall be the duty of the clerk of this House to give notice thereof to the Presbyteries to which such delinquent members may belong; and that it be recommended to the said Presbyteries, in their settlements with such delinquents, not to allow them any compensation for services as members of the Assembly.—1801, p. 233.

Resolved, That it be the duty of the stated clerk hereafter to report to the several Presbyteries the names of the commissioners who, at the calling of the roll at the close of the Assembly, may appear to have left the Assembly without permission.—1820, p. 723.

Resolved, That as the names of persons who have left the Assembly without leave are to be published in the printed journals, therefore the stated clerk is liberated from the duty, enjoined by a standing rule, of writing to the Presbyteries on the subject.—1824, p. 125.

a. Salary of the Stated Clerk.

Fixed by the Assembly at $400 per annum.—1870, p. 127.

Stated Clerk to act as Treasurer of the Assembly.

The Committee on Finance also recommend that the stated clerk have added to his duties that of treasurer of the General Assembly, and that his salary be increased one hundred dollars.—1871, p. 512.

The duties of the stated clerk as treasurer of the General Assembly may be seen from the following:

ACCOUNT CURRENT OF THE TREASURER OF THE GENERAL ASSEMBLY OF THE PRESBYTERIAN CHURCH, U. S. A.

Dr.

To balance from old Account,			$62 27
" Receipts of Mileage Committee of 1871,			24,393 06
" Miscellaneous Receipts for Minutes, etc.,			530 80
			$24,986 13

Cr.

1871. May.	By payments to Commissioners, Traveling Expenses,			$16,447 37
" "	to the Clerks of the Assembly:			
	Stated Clerk:			
	Salary,	$500 00		
	Traveling Expenses,	45 00		
" "	Permanent Clerk:			
	Salary,	300 00		
	Traveling Expenses,	43 75		
			$888 75	
" "	to the Janitor, Mr. Dyson,			100 00

		By payments for printing:			
Sept		S. W. Green, Arrears of 1870,		$525 90	
		" " Minutes of 1871,		3541 76	
		Lakeside Co., Rolls of 1871,		118 54	
					$4,186 20
	"	" the mailing of the Minutes of 1871,			486 15
	"	" Stationery:			
		W. G. Holmes,		$8 80	
		Lambert & Benedict,		30 65	
		W. C. Martin,		4 50	
					$43 95
Sept.	"	of Expenses, Com. on Sustentation,			$696 87
	"	" " " Manses,			158 80
	"	" Traveling Expenses of Committees:			
		Rev. R. W. Patterson, D. D.,		$57 00	
		" A. Reed, D. D.,		30 00	
		" H. Darling, D. D.,		24 00	
		" S. J. Niccolls, D. D.,		30 00	
		" G. C. Heckman, D. D.,		56 00	
		" H. Johnson, D. D.,		15 00	
		" J. T. Backus, D. D.,		60 00	
					$272 00
	"	" Traveling Expenses of Delegates:			
		Rev. D. Tully,		$25 00	
		" B. W. Chidlaw,		24 00	
					$49 00
	"	" Telegram and Express charges,			12 50
	"	" Miscellaneous Postage, and Stationery,			34 25
		Balance to new Account,			1,610 29
					$24,986 13

E. E.,
New York City,
May 10, 1872.

EDWIN F. HATFIELD, *Treasurer.*
—1872, p. 174.

2. Permanent Clerk.

Appointment and Duties.

a. Whereas, the business of former Assemblies has been impeded by the want of a recording clerk possessing that facility in the business which is acquired by experience; and whereas, it is not to be expected that any one person should perform this service permanently without receiving an adequate compensation for his labor; and whereas, this Assembly are persuaded that future Assemblies will see the reasonableness of the measure now contemplated, and co-operate on their part in giving it effect;

Resolved, That a permanent recording clerk be chosen, whose duty it shall be from year to year to draught the minutes of the Assembly during their sessions, and afterward to perform such services respecting the transcribing, printing and distributing the extracts as shall be assigned to him from time to time, and that he be paid out of the funds of the Assembly three dollars per day for the time he shall be employed, as well during the sessions of the Assembly as after their dissolution.—1802, p. 235.

b. Resolved, That hereafter the permanent clerk shall receive for his services two dollars per day during the sessions of the Assembly, and one dollar and fifty cents per day while necessarily attending upon the business of the Assembly after their adjournment.—1806, p. 372.

c. The permanent clerk shall furnish all the stationery for the use of the Assembly and the several clerks. He shall make the original draught of all the minutes, and give certified copies, as occasion may require, of all such as may be proper to be transmitted to the trustees of the General Assembly or any of their officers. After the Assembly rises from year to

year he shall carefully revise the manuscript, render it correct and legible, and deliver it over to the stated clerk. He shall receive a reasonable compensation for the stationery supplied by him, and the pay (per diem) fixed by the last Assembly—that is, two dollars per day during the sessions of the Assembly, and one dollar and fifty cents per day while necessarily attending upon the business of the Assembly after adjournment.—1806, p. 372; 1807, p. 377.

Printing the Roll.

d. Resolved, That it be a standing rule of this body that the permanent clerk annually cause to be printed a number of copies of the roll, not exceeding five hundred, for the use of the members, as soon as practicable after the appointment of the standing committees.—1840, p. 283, O. S.

e. Salary of the Permanent Clerk.

That the salary of the permanent clerk be fixed at the rate of three hundred dollars per annum.—1870, p. 127.

3. The Temporary Clerk.

a. Resolved also, That a temporary clerk be chosen by each Assembly as heretofore to read the minutes and communications to the Assembly, and otherwise aid the permanent clerk as occasion may require, and that he be paid one dollar per day for his services.—1802, p. 235.

b. The temporary clerk shall hereafter receive no pecuniary compensation for his services.—1806, p. 372.

[From 1856 onward, in the New School Assembly, two temporary clerks were chosen. In the reunited Assembly three have been chosen.—1870, pp. 12, 13; 1871, p. 490. Of those in the Assembly of 1870 two were ruling elders.]

c. Choice of Clerks not Confined to Members of the Assembly.

Resolved, That it be considered as the right of every member of the Assembly to vote for a clerk who is not a member of the body.—1793, p. 64.

d. The moderator and clerk are ministerial officers of the judicatory. In respect to their offices they are servants merely, and not members, of the body.

Of the clerk this would seem to be unquestionably true. The constitution knows nothing of the *temporary* clerk as distinguished from the *stated* clerk. As far as any provision of the "Book" is involved, it is plain that a judicatory may select any convenient person, though not a member, to record its transactions, and discharge all other duties pertaining to a clerk. For the part of those duties usually devolved upon a *temporary* clerk, we believe it is no infrequent thing for a Presbytery to employ a licentiate or other person not a member of the body.—1861, p. 457, N. S. [See chap. xii., sec. vii., above.]

II. The General Assembly shall consist of an equal delegation of bishops and elders from each Presbytery in the following proportion, viz.: each Presbytery consisting of not more than twenty-four ministers, shall send one minister and one elder; and each Presbytery consisting of more than twenty-four ministers, shall send two ministers

and two elders; and in the like proportion for every twenty-four ministers in each Presbytery; and these delegates so appointed shall be styled *Commissioners to the General Assembly.*

1. The Ratio of Delegation.

That every Presbytery shall, at their last stated meeting preceding the meeting of the General Assembly, depute to the General Assembly commissioners in the following proportion: each Presbytery consisting of not more than six ministers shall send one minister and one elder; each Presbytery consisting of more than six ministers and not more than twelve shall send two ministers and two elders, and so in the same proportion for every six ministers.—1786, p. 524.

[In 1819, p. 700, the ratio was altered by substituting the word nine for the word six, and the word eighteen in place of the word twelve. In 1826, p. 168, the ratio was increased from nine to twelve and from eighteen to twenty-four. In 1833, p. 401, the present ratio was adopted.]

2. Where a Presbytery sends more than its Proper Representation, the Last Elected are Refused.

The right of two persons to a seat in the Assembly from the Presbytery of Portage was questioned, whereupon their case was referred to the Committee of Elections. After considering the subject, the Committee reported that the names of the minister and elder last appointed should be erased, because the Presbytery is entitled to no more than two commissioners. This report was adopted.—1835, p. 466.

3. Only such Commissioners should be Appointed as design to Remain throughout the Sessions.

It is in the opinion of this General Assembly highly important that commissioners should not be appointed, unless it shall satisfactorily appear to the several Presbyteries that they design to remain throughout the sessions.—1827, p. 207.

[See also chap. xxii. of Commissioners to the General Assembly.]

4. Corresponding Members.—Ministers Casually Present not Invited.

Upon motion, it was agreed that whereas this Assembly, copying the example of their predecessors, have admitted several ministers who are not commissioners to join in their deliberations and conclusions, but not to vote on any question, and although this Assembly has been much indebted to the wise counsels and friendly assistance of these corresponding ministers, nevertheless, on mature deliberation, it was

Resolved, As the opinion of this house,

1. That no delegated body has a right to transfer its powers, or any part thereof, unless express provision is in its constitution.

2. That this Assembly is a delegated body, and no such provision is in its constitution.

3. Although such admission has hitherto produced no bad consequences, it may, nevertheless, at some future day be applied to party purposes, and cause embarrassment and delay; wherefore,

Resolved 4, Lastly, that the practice of this Assembly in this case ought not to be used as a precedent in future.—1791, p. 42.

5. Delegates from Corresponding Bodies.

[At first these were not allowed to vote, but in 1794 the Assembly asked, and the General Association of Connecticut acceded to the request, that the delegates from these bodies respectively shall have a right not only to sit and deliberate, but also to vote, on all questions which may be determined by either of them.—1794, p. 80; 1795, p. 96.

[The Assembly afterward (1827) asked that the right of voting be given up, and since 1830 corresponding members have the right only to sit and deliberate, but not to vote.]

6. The Secretary of any of the Permanent Committees, the Stated and Temporary Clerks, have the Privileges of Corresponding Members.

a. Resolved, That it be a standing rule of the Assembly that the secretary of any of the permanent Committees shall be entitled to the same privilege as the delegates from corresponding bodies, while the business entrusted to that Committee is under consideration in the house.

The Assembly voted that the same privilege be extended to the stated and permanent clerks in reference to matters pertaining to their official duties.—1858, p. 581, N. S.

b. Resolved, That all the secretaries of the Boards of the Church have the privilege of corresponding members of the General Assembly, in discussions bearing upon the interests of the Boards which they severally represent.—1870, p. 85.

7. Committees of the Assembly.—Those appointed at each Annual Meeting are called Standing Committees, and are as follows, viz.:

I. The Committee of Bills and Overtures.

Its Appointment.

a. A Committee, consisting of Mr. Henry, Mr. Anderson and Mr. Wade, appointed to prepare and bring in overtures to the Presbytery, and also take cognizance of whatever may be laid before them, to prepare it for the Presbytery.—1710, p. 17.

b. The General Assembly, at every meeting, shall appoint a Committee of Bills and Overtures, to prepare and digest business for the Assembly. Any person thinking himself aggrieved by this Committee may complain to the Assembly.—1789, p. 8.

c. Powers and Duties of this Committee.

To the question concerning the business and powers of the Committee of Overtures, proposed last year, the Synod answer, that Committee is intended to introduce business into the Synod in an orderly manner, that they may give advice concerning either the matter or manner of overtures brought to them, but have not power to suppress anything that comes regularly before them from inferior judicatures according to our known rules, or such overtures and petitions as inferior judicatures or particular persons desire to have laid before this Synod.—1769, p. 393.

Petitions, questions relating either to doctrine or order, and usually all new propositions tending to general laws, should be laid before the Committee of Bills and Overtures before they be offered to the Assembly.—1822, p. 42.

II. The Judicial Committee.

The Assembly shall also, at every meeting, appoint a committee to be styled the Judicial Committee, whose duty it shall be to take into consideration all appeals and references brought to the Assembly, to ascertain whether they are in order, to digest and arrange all the documents relating to the same, and to propose to the Assembly the best method of proceeding in each case.—1819, p. 718.

III. Committee on Polity of the Church.

Resolved, That a Committee of seven members be appointed on the polity of the Church, and that it be referred to this Committee to examine and settle the true roll of the Presbyteries and Synods connected with the Assembly; and that they receive the reports of the several Presbyteries on amending the Constitution of the Church.—1840, p. 7, N. S.

IV. On Foreign Missions.
V. On Home Missions.
VI. On Education.
VII. On Publication.
VIII. On Church Erection.
IX. On Theological Seminaries.
X. On Sustentation.
XI. On Ministerial Relief.
XII. On Freedmen.

To these Committees are referred the reports of the several Boards, etc., together with the whole subject to which they pertain, to report to the Assembly at as early a day during its sessions as is possible.

XIII. On Correspondence.

To this Committee is referred the matter of correspondence with other Churches; they also nominate to the Assembly delegates to corresponding bodies.

XIV. On the Narrative.

That the General Assembly take measures to bring into distinct view at its different sessions the situation of the Presbyterian Church under its jurisdiction in the United States of America, with respect to the state of religion in the different Presbyteries, and the most probable expedients for reviving and promoting the essential interests of Christ's kingdom in the world; whereupon—

Resolved, That it be recommended to each Synod to enjoin it upon the respective Presbyteries within their bounds, to specify the above particulars in the annual reports which they make of the state of their respective churches, to be laid before the General Assembly at its stated meetings.—1792, p. 59.

Narrative to notice the Decease of Ministers.

Resolved, That the narrative on the state of religion annually contain a notice of the decease of all the ministers of our Church who may have been removed by death during the preceding year; and the several Presbyteries are ordered to incorporate with their reports on the state of religion, made to the Assembly, the case of every such removal within their bounds.—1822, p. 38.

XV. On Leave of Absence.

a. Resolved, That, as a standing rule of the Assembly, a committee of five be appointed, whose duty it shall be to consider all applications for leave of absence, with power to decide on the same, in place of the house, and with instructions to require in every case satisfactory reasons for the necessity of such absence, and report to the house, at the commencement of every session, the members so dismissed; and that an appeal to the Assembly may be made in any instance of refusal on the part of the Committee to grant the application.—1833, p. 390.

b. A memorial was received from the Presbytery of Sydney, requesting the Assembly to take order against granting its members leave of absence. Whereupon,

Resolved, That the Committee on Leave of Absence be instructed to give leave to members of the Assembly to be absent from the sessions only for manifestly sufficient reasons; and, in general, for such reasons as have arisen since the Assembly has convened.—1843, p. 173, O. S.

c. [The Committee] wish to be instructed as to the degree of strictness which they shall observe in refusing leave of absence to members. The Committee were instructed to apply the rule rigidly.—1847, p. 394, O. S.

d. Early Leave Forfeits Mileage.

It is, in the opinion of this General Assembly, highly important that commissioners should not be appointed unless it shall satisfactorily appear to the several Presbyteries that they design to remain throughout the sessions. That in order to procure as far as possible this desirable object, it be and it hereby is ordered that no commissioner who shall obtain leave of absence within the first six days of the sessions shall be entitled to receive anything from the commissioners' fund, unless the General Assembly shall order otherwise, when the reasons of the application are given.—1827, p. 207.

e. Injunction on Presbyteries.

The Committee would present to the consideration of the General Assembly as a serious evil the frequent applications on the part of the commissioners, especially of elders, for permission to return home within a few days after the coming together of the Assembly. We believe that, according to the constitution of our Church, the ruling elders are essential parts of our Church judicatories; and if so, it is as important that they be present during the whole sessions of the judicatory as at its opening. Many of them have their traveling expenses paid by their Presbyteries with a view to secure their attendance, and yet comparatively few are willing to remain till the Assembly is dissolved. The Committee have remarked that these applications for leave most commonly are made, not by those whose residence is far off from our place of meeting, but by those who can reach their homes in a few hours. Under these views, the Committee are often embarrassed in regard to their proper course of duty. They would be kind and indulgent, but they desire too to be true to the trust committed to them; and they respectfully suggest to the Assembly the adoption of the following resolution, viz.:

Resolved, That the Presbyteries, in the appointment of commissioners to the General Assembly, be directed to use great care and diligence in the selection of such ministers and ruling elders as will be willing and able to remain during the entire sessions of this body. [Adopted.]—1842, p. 21, O. S.

XVI. On Mileage.

Resolved, That the members entitled to mileage shall give to the Committee on the Commissioners' Fund, within three days after the appointment of said Committee, in writing, their names, the names of their Presbyteries and their distance from home to the Assembly; and if any member neglects to comply with this resolution, he shall forfeit his portion of said fund. And that no member may be ignorant of this resolution, the moderator shall read it as soon as the Committee on said fund is appointed each year.—1818, p. 687.

The Committee on Mileage reported in part, when it was

Resolved, That the commissioners from Newburyport, Clinton and Madison be struck off from the list of applicants for a portion of the commissioners' fund, on the ground that their respective Presbyteries have paid nothing into this fund.—1833, p. 404.

See above, *d;* also under chap. xxii., sec. iii.

XVII. On Finance.

Resolved, That a standing Committee of Finance be appointed, to whom the treasurer's account (of the trustees) shall be referred.—1842, p. 8, O. S.

XVIII. On Devotional Exercises.

Resolved, That it be hereafter a standing rule of the General Assembly to spend the first Wednesday of their sessions in religious exercises, as follows, viz.:

It is recommended that each member should spend from eight till nine o'clock A. M. of that day in secret devotion. At ten the Assembly shall meet together, and spend a season in prayer, praise, reading the Scriptures and exhortation. In the afternoon there shall be a public meeting of the Assembly, with all who may choose to convene with them, to engage again in religious exercises.

Each Assembly shall, at an early period of its sessions, appoint a Committee to make arrangements for the observance of this day in conformity with the above general plan.

Resolved, That it be recommended to the churches under the care of the General Assembly annually to observe this day, or such parts of it as they may respectively judge proper, as a season of special prayer in the closet and in social or public meetings; to ask for the presence of God with the General Assembly, and for the special influences of his Spirit to descend upon the churches under their care and upon the world of mankind, and that the earth may speedily be filled with his glory.

Resolved, That it be recommended to Christians and to the churches, in the annual observance of this day, as far as may be convenient, to fix upon the same time with the Assembly for secret devotion and for public worship.—1828, p. 239.

[The usage now is to appoint ministers and elders of the churches in the place where the Assembly is next to meet as the Committee on Devotional Exercises and Arrangements; their report is made at an early day during the session of the Assembly. The following are standing rules:]

1. The Lord's Supper is to be celebrated by the Assembly on the evening of Thursday, the first day of their sessions.

2. The evening of Friday, the second day of their sessions, is assigned to a popular meeting in behalf of the Sabbath-school interest of the Church.

3. The first Tuesday of the sessions is appropriated exclusively to the consideration of the home mission work of the Church, with a popular meeting in the evening of the same day.

4. The first Wednesday of the sessions is appropriated in like manner to the foreign mission work of the Church, with a popular meeting in the evening of the same day.

III. Any fourteen or more of these commissioners, one-half of whom shall be ministers, being met on the day and at the place appointed, shall be a quorum for the transaction of business.

IV. The General Assembly shall receive and issue all appeals and references which may be regularly brought before them from the inferior judicatories. They shall review the records of every Synod, and approve or censure them; they shall give their advice and instruction in all cases submitted to them in conformity with the constitution of the Church; and they shall constitute the bond of union, peace, correspondence and mutual confidence among all our churches.

1. The Assembly will not Ordinarily Decide Questions in Thesi.

a. But while the General Assembly is invested with the power of deciding in all controversies respecting doctrine and discipline, of reproving, warning or bearing testimony against error in doctrine in any church, Presbytery or Synod, or of suppressing schismatical contentions and disputations, all such matters ought to be brought before the Assembly in a regular and constitutional way. And it does not appear that the constitution ever designed that the General Assembly should take up abstract cases and decide on them, especially when the object appears to be to bring those decisions to bear on particular individuals not judicially before the Assembly. Neither does it appear that the constitution of the Church intended that any person or persons should have the privilege of presenting for decision, remonstrances respecting points of doctrine, on the conduct of individuals, not brought up from the inferior judicatories by appeal, reference or complaint, and this especially when such remonstrances contain no evidence whatsoever of the facts alleged, but mere statements, of the truth or justness of which the Assembly have no means of judging, inasmuch as a contrary course would allow of counter and contradictory remonstrances without end.—1822, p. 50. See 1870, p. 28. It is inexpedient to consider cases *in thesi*.

b. It is ordinarily undesirable for the General Assembly to decide questions *in thesi* which are liable to be brought before it in its judicial capacity, as it may thus virtually prejudge cases of discipline; it appears better that it should ordinarily follow in this respect the uniform practice of civil courts to decide legal principles only on actual cases presented.—1856, p. 213, N. S.

c. Overture No. 13, being a request of the Rev. Samuel C. McCune that the Assembly would answer various questions connected with judicial processes in the lower courts.

The Committee recommend the following answer: These questions pertain either to supposed or to actual judicial processes. In either case it is not deemed proper that the Assembly should give specific answers to them. Adopted.—1866, p. 47, O. S.

d. Overture No. 28, from the Presbytery of Santa Fé. (1.) Is it in

accordance with the spirit and Constitution of the Church for a Board or Committee of the Assembly to receive complaints against the character and conduct of a minister without giving him full information on the subject, or refuse to do so when asked? (2.) What course should the Committee on Missions of a Presbytery take when a missionary sent into its bounds by a Board of the Assembly refuses to occupy the field assigned him by said Committee? (3.) Is it the province of a Missionary Presbytery to designate the field of labor of its members or of a missionary sent into its bounds by any Board of the Assembly? or does this right of designation belong to the Board sustaining the missionary?

The Committee recommend no action, inasmuch as it presents the case *in thesi*, and the questions involved will probably be settled ere long by the action of the Board of Foreign Missions. Adopted.—1872, p. 73.

[See at large under sec. v., below. Powers of the General Assembly and Book of Discipline, chap. vii. throughout.]

V. To the General Assembly also belongs the power of deciding in all controversies respecting doctrine and discipline; of reproving, warning or bearing testimony against error in doctrine or immorality in practice in any church, Presbytery or Synod; of erecting new Synods when it may be judged necessary; of superintending the concerns of the whole Church; of corresponding with foreign churches on such terms as may be agreed upon by the Assembly and the corresponding body; of suppressing schismatical contentions and disputations; and in general, of recommending and attempting reformation of manners, and the promotion of charity, truth and holiness through all the churches under their care.

I. DECISIONS AND DELIVERANCES ON DOCTRINE.

1. Case of Samuel Harker.

A reference was brought into the Synod from the New Brunswick Presbytery respecting Mr. Samuel Harker, one of their members, as having imbibed and vented certain erroneous doctrines. The further consideration of this affair is deferred till the next *sederunt*.—1758, p. 283.

[The matter was continued from year to year, Synod endeavoring to remove the difficulty and bring Mr. Harker to a sense of his error. In 1761, Mr. Harker printed and published his views, and the Synod (1762) appointed a Committee to examine the book, who reported next year.]

The Synod proceeded to consider Mr. Harker's principles, collected from his book by the Committee, which are in substance as follows:

1. That the covenant of grace is in such a sense conditional that fallen mankind in their unregenerate state, by the general assistance given to all under the gospel, have a sufficient ability to fulfill the conditions thereof, and so by their own endeavors to ensure to themselves regenerating grace and all saving blessings.

2. That God has bound himself by promise to give them regenerating grace upon their fulfilling what he (Mr. Harker) calls the direct conditions of obtaining it, and, upon the whole, makes a certain and an infallible connection between their endeavors and the aforesaid blessings.

3. That God's prescience of future events is previous to and not depend-

ent on his decrees; that his decrees have no influence on his own conduct, and that the foresight of faith was the ground of the decree of election.

It is further observed that he often uses inaccurate, unintelligible and dangerous modes of expression that tend to lead people into false notions in several important matters, as that Adam was the federal father of his posterity in the second covenant as well as in the first; that the regenerate are not in a state of probation for heaven, and several such like.

The Synod judge that these principles are of a hurtful and a dangerous tendency, giving a false view of the covenant of grace, perverting it into a new modeled covenant of works, and misrepresent the doctrine of the divine decrees as held by the best reformed churches, and, in fine, are contrary to the word of God and our approved standards of doctrine.—1763, p. 329.

2. Testimony against Universalism and Socinianism.

a. *Whereas*, the doctrine of universal salvation and of the finite duration of hell torments has been propagated by sundry persons who live in the United States of America, and the people under our care may possibly, from their occasional conversation with the propagators of such a dangerous opinion, be infected by the doctrine, the Synod take this opportunity to declare their utter abhorrence of such doctrines as they apprehend to be subversive of the fundamental principles of religion and morality, and therefore earnestly recommend it to all their Presbyteries and members to be watchful upon this subject, and to guard against the introduction of such tenets amongst our people.—1787, p. 540.

b. If there is a religion revealed by God, it is as important to have correct views of its principles to perform the duties which it enjoins in the various relations of life, as it is to have correct views of morality that our lives may be moral. Error in principle invariable produces error in practice. To be ever learning and never coming to the knowledge of the truth is characteristic of none but those who assume for the human understanding the prerogative of sitting in judgment upon the inspired truth of God, either condemning the whole as an imposition, or undertaking to correct its alleged mistakes by abridging and falsifying its contents. Of the former class, we rejoice that the number and influence are diminished. Not many years past they triumphed, to the regret and anguish of the followers of Christ. With brazen front, infidelity threatened the annihilation of the Church and the ruin of her Lord's authority. But the Church not merely survives its attacks: she has increased in numbers and in grace, whilst her adversaries are compelled, though unwillingly, to pay homage to the paramount claims of her God and her Saviour, who is King of kings and Lord of lords. Few are to be found who respect themselves openly opposing the truth of God as contained in the Scriptures. There are, however, some within our bounds, who, whilst they profess to honor the authority of the Bible, with unhallowed hands would cut out of its pages those passages which command us to honor the Son as we honor the Father, and rob the trembling sinner of the only hope of acceptance with God which his soul can cherish. The well-beloved and only begotten Son of God they reduce to the level of frail humanity, and his work of redemption to the mere fact of furnishing us a perfect example of conversation and conduct. By denying his character as a covenant-surety to bear our sins and carry our sorrows, they lower his example as a righteous and holy Man below that which his apostles and primitive followers afford us. And so far as we have had the opportunity of judging from facts which have fallen under our observation, their principles have

introduced among all who have embraced them so great a conformity in their practice to the world which lieth in wickedness as to render it impossible to discriminate them from the children of that world.

In connection with these Anti-Trinitarians—for we reject the name which they have assumed of Unitarians, holding the unity of God as strictly as they do—are the Universalists, or the supporters of the doctrine of universal salvation. It is a tribute, however, which we owe to truth to say that whilst the Anti-Trinitarians, for the sake of consistency, are compelled to maintain the ultimate and eternal salvation of all, the Universalists believe in the doctrine of the Trinity and the atonement of the Lord Jesus. They, however, by assuring all that they will be in the end for ever happy, provide for the gratification of present desires and continuance in sin whilst they live.

As these errors in principle do exist in some portion of our Church, though we have good reason to believe that they are not increasing, the Assembly trust that they will be opposed and their ruinous tendency unfolded with fidelity and success.—1818, p. 677.

c. In some parts of our land attempts are made to propagate the most pernicious errors. With a zeal worthy of a better cause, and under lofty pretensions to superior rationality and to deeper discoveries in religion, some are endeavoring to take away the crown from the Redeemer's head, to degrade *Him* who is the mighty God and the Prince of life to a level with mere men, and to rob us of all our hopes of redemption through his blood. Pretending, too, a more expanded benevolence to man, and more ennobled ideas of the goodness and mercy of God, they assiduously propagate the sentiment, that all men will ultimately obtain eternal happiness, however sinful their present temper and conduct may be, without any regard to the cleansing of the blood of atonement or the sanctifying influences of the Spirit of God. Believing that these sentiments are utterly subversive of gospel truth and holiness, that they are alike dishonoring to God and destructive to the present and eternal welfare of men, we cannot but affectionately warn you against them.—1822, p. 58.

3. Case of Rev. Hezekiah Balch.

The consideration of the references relative to Mr. Balch was resumed, and after some amendments made on the draught brought in by the Committee, it was adopted, and is as follows, viz.:

They remark upon the first article of the creed aforesaid that Mr. Balch is erroneous in making disinterested benevolence the only definition of holiness or true religion, because this may perplex the minds of those not accustomed to abstract speculations, is questionable in itself, and may convey the idea that an absolute God, or a God out of Christ, is the object of the highest affection to the renewed mind.

On the second article they remark that he has confounded self-love with selfishness in an abstract speculation calculated to puzzle plain Christians and lead to unprofitable disputes.

On the third article they remark that the transferring of personal sin or righteousness has never been held by Calvinistic divines, nor by any person in our Church, so far as is known to us, and therefore that Mr. Balch's observations on that subject appear to be either nugatory or calculated to mislead. With regard to his doctrine of original sin, it is to be observed that he is erroneous in representing personal corruption as not derived from Adam, making Adam's sin to be imputed to his posterity in consequence of a corrupt nature *already possessed*, and derived from *we*

know not what; thus, in effect, setting aside the idea of Adam's being the federal head or representative of his descendants, and the whole doctrine of the covenant of works.

It is also manifest that Mr. Balch is greatly erroneous in asserting that the formal cause of a believer's justification is the imputation of the fruits and effects of Christ's righteousness, and not that righteousness itself, because righteousness, and that alone, is the formal demand of the law, and consequently the sinner's violation of the divine law can be pardoned only in virtue of the Redeemer's perfect righteousness being imputed to him and reckoned as his. It is also not true that the benefits of Christ's righteousness are, with strict propriety, said to be imputed at all, as these benefits flow to and are possessed by the believer as a consequence of his justification and having an interest in the infinite merits of the Saviour.

On the fourth article no remark is necessary.

With regard to the fifth article it is to be remarked that Mr. Balch appears to confound sentiment with the mere perception of truth, whereas it always partakes of the disposition of the heart, and consequently involves in it either sin or holiness. The article as stated by him contradicts the principle laid down in the introduction to our Form of Government, and levels the important distinction between truth and falsehood so as to be liable to the construction that it is no matter what a man believes. And though Mr. Balch may not, and probably did not, intend to insinuate anything disrespectful to the holy Scriptures, where he asserts that "there are wrong sentiments in the Bible," yet, as his expression is liable to such a construction, we judge it highly censurable.

With regard to the sixth and seventh articles no remarks seem to be necessary, except that the offence given by the reflection cast on his brethren, the Presbyterians, in the seventh, has been sufficiently removed by his candid acknowledgment before the Synod and General Assembly.

The eighth, ninth and tenth articles require no remark, except that they appear to be unimportant.

With regard to the twelfth article it is remarked that his observation upon love as exercised by the human race, so far as it may be applicable to a state of infancy, is unintelligible, and that though a distinction may be made between regeneration and conversion, yet the terms in which the article is expressed are exceptionable, as they seem to discourage the use of the means of grace.

With regard to the thirteenth article it is remarked that in making repentance and faith to proceed wholly from love or charity, Mr. Balch has expressed an opinion unnecessary and improper.

In regard to the subject of false doctrine, in discoursing from Psalm li. 5 and Isaiah xlviii. 8, nothing seems necessary to be added to the remarks made on the subject of original sin as contained in Mr. Balch's creed, except that he charges Calvinistic divines with holding sentiments relative to infants which they do not hold; and that he makes positive declarations in regard to the state of infants, when it has pleased a wise and holy God to be silent on this subject in the revelation of his will.

In regard to the subject of indecent language alleged to have been used in the pulpit by Mr. Balch, it is remarked, that if he was not misunderstood by the witnesses, he has, notwithstanding, declared such a deep and suitable abhorrence of all such language in public discourse as renders it unnecessary to take any further notice of it.

On the whole, your Committee recommend that Mr. Balch be required to acknowledge before the Assembly that he was wrong in the publication of his creed; that in the particulars specified as above he renounce the

errors therein pointed out; that he engage to teach nothing hereafter of a similar nature; that the moderator admonish him of the divisions, disorder, trouble and inconvenience which he has occasioned to the Church and its judicatories by his imprudent and unwarrantable conduct, and warn him against doing anything in time to come that may tend to produce such serious and lamentable evils. That if Mr. Balch submit to this, he be considered as in good standing with the Church, and that the reference and queries of the Synod of the Carolinas be considered as fully answered by the adoption of these measures.—1798, pp. 155, 156.

Mr. Balch appeared before the General Assembly and made the following declaration, viz.:

I do fully acknowledge that I was wrong in publishing my creed. I do solemnly declare, however, as in the presence of my final Judge, that I never did entertain the ideas nor intend to teach the doctrines which are pointed out as errors in the statement of the Assembly; but as I cannot so well judge as the Assembly what ideas my language actually conveys, and the Assembly declares that my language has conveyed these ideas and doctrines to their minds, I do fully and cheerfully renounce them as wrong and improper; and I do solemnly and sincerely engage, in a reliance on divine grace, never hereafter to teach or preach what the Assembly have stated as erroneous; and I do finally and cheerfully submit myself to the admonition which the Assembly may see meet to give for my irregularities, which I acknowledge to deserve censure, and for which I am sincerely sorry.

Whereupon the moderator gave to Mr. Balch the solemn admonition agreed to; and then the Assembly declared themselves fully satisfied in the case of Mr. Balch, and that he is, and ought to be, considered as in good standing with the Church. And the whole transaction was concluded with prayer.—1798, p. 158.

4. Case of Rev. William C. Davis.

The overture from the Synod of the Carolinas, which had been laid on the table, referring to the Assembly an overture laid before that Synod, requesting their attention to a late publication of the Rev. W. C. Davis, denominated the "Gospel Plan," was read; Messrs. Robert G. Wilson, Calhoun and Anderson were appointed a Committee to examine said book and report to this Assembly the doctrines it contains, if any such they find, that are contrary to the standards of the Presbyterian Church.

The report of the Committee was adopted, viz.:

The Committee, presuming that a complete and perfect enumeration of all the objectionable parts of said book is not expected, called the attention of the Assembly only to the following doctrines, supposed to be contrary to the Confession of Faith of the Presbyterian Church:

Doctrine I. That the active obedience of Christ constitutes no part of that righteousness by which a sinner is justified, pp. 257, 261, 264, 3d corollary.

Doctrine II. That obedience to the moral law was not required as the condition of the covenant of works, pp. 178, 180.

These pages being read, the Assembly resolved that they do consider these doctrines as contrary to the Confession of our Church.

Doctrine III. God himself is as firmly bound in duty (not obedience) to his creatures as his creatures are bound in obedience or duty to him, pp. 164, 166. Also, that God's will is not the standard of right and wrong. If God's will is the primary rule of his own actions, he would

be: 1st. Entirely void of holiness; 2d. There could be no justice in God; 3d. It would be impossible for God to be unchangeable; 4th. If the will of God is the standard of right and wrong, then it would be no infringement on the divine character to be unfaithful to his word and promise. —pp. 168–171.

These pages being read,

Resolved, That, without deciding on the question whether these sentiments are contrary to our Confession of Faith, the Assembly consider the mode in which they are expressed as unhappy, and calculated to mislead the reader.

Doctrine IV. God could not make Adam, or any other creature, either holy or unholy. Compare page 194 with 166.

Doctrine V. Regeneration must be a consequence of faith. Faith precedes regeneration, p. 352.

Doctrine VI. Faith, in the first act of it, is not a holy act, p. 358, etc.

These pages being read,

Resolved, That the Assembly do consider the three last-mentioned doctrines contrary to the Confession of Faith of our Church.

Doctrine VII. Christians may sin willfully and habitually, pp. 532, 534.

These pages being read,

Resolved, That the Assembly consider the expressions in the pages referred to as very unguarded; and so far as they intimate it to be the author's opinion that a person may live in an habitual and allowed sin, and yet be a Christian, the Assembly consider them contrary to the letter and spirit of the Confession of Faith of our Church, and in their tendency highly dangerous.

Doctrine VIII. If God has to plant all the principal parts of salvation in a sinner's heart to enable him to believe, the "Gospel Plan" is quite out of his reach, and consequently does not suit his case; and it must be impossible for God to condemn a man for unbelief, for no just law condemns or criminates any person for not doing what he cannot do.—p. 413.

This page, and several others on the same subject, being read,

Resolved, That the Assembly do consider this last-mentioned doctrine contrary to the Confession of Faith of our Church.

On the whole,

Resolved, That this Assembly cannot but view with disapprobation various parts of the work entitled "The Gospel Plan," of which William C. Davis is stated in the title-page to be the author. In several instances in this work, modes of expression are adopted, so different from those which are sanctioned by use and by the best orthodox writers, that the Assembly consider them as calculated to produce useless or mischievous speculations.

In several other instances there are doctrines asserted and advocated, as has been already decided, contrary to the Confession of Faith of our Church and the word of God; which doctrines the Assembly feel constrained to pronounce to be of very dangerous tendency; and the Assembly do judge, and do hereby declare, that the preaching or publishing of them ought to subject the person or persons so doing to be dealt with by their respective Presbyteries, according to the discipline of the Church relative to the propagation of errors.—1810, pp. 448–453.

5. Case of Rev. Thomas B. Craighead.

[On an appeal from the Synod of Kentucky. After speaking of certain irregularities in the conduct both of the Synod and the appellant, they say,]

But from matters of form the General Assembly will now pass to the merits of the case; and for the sake of brevity, the first and second charges only shall be brought into view.

"Charge 1. We charge him with denying and vilifying the real agency of the Spirit in regeneration, and in the production of faith and sanctification in general."

And first they would observe that there can be no doubt that the denial of the real agency of the Spirit is a dangerous and fundamental error; and if Mr. Craighead taught such an error, he ought to have been suspended.

The question then is, Do the passages of Mr. Craighead's sermon referred to in the charge prove that he did deny the reality of the operations of the Spirit?

Here it will be important to remark that a man cannot fairly be convicted of heresy for using expressions which may be so interpreted as to involve heretical doctrines if they may also admit of a more favorable construction, because no one can tell in what sense an ambiguous expression is used but the speaker or writer, and he has a right to explain himself; and in such cases candor requires that a court should favor the accused, by putting on his words the more favorable, rather than the less favorable, construction.

Another principle is that no man can rightly be convicted of heresy by inference or implication—that is, we must not charge an accused person with holding those consequences which may legitimately flow from his assertions. Many men are grossly inconsistent with themselves; and while it is right in argument to overthrow false opinions by tracing them in their connections and consequences, it is not right to charge any man with an opinion which he disavows.

With these principles in view, the General Assembly proceed to observe that there is abundant evidence that Mr. Craighead did deny the immediate agency of the Spirit, but no clear evidence that he denied the real agency of the Spirit. These are very different things, and the proof of the one does by no means establish the other. Immediate agency or operation is opposed to mediate. This is a well-known distinction in theology, and a point which has been greatly controverted. The Reformed Church, of which ours is a part, in all their purest times, maintained the doctrine of the immediate operation of the Spirit, not without the word, but distinct from it, and in the order of nature preceding it. Other Protestant churches, never charged with fundamental error, have as uniformly maintained the doctrine of a mediate agency, and those commonly believe that this operation is not occasional, but uniform, and diversified in its effects by the difference of resistance with which it meets. Neither the Presbytery nor the Synod appear to have attended sufficiently to this distinction. They appear to have thought that a denial of immediate agency was a denial of all real agency. It deserves special regard here that our confession takes no notice of these nice distinctions about the mode in which the Holy Spirit operates. It usually mentions the word and the Spirit together, and the former as the instrument of the latter. And they who believe in the immediate agency of the Spirit do not exclude the instrumentality of the word; they, however, explain it in a different way from those who hold that there is no agency of the Spirit distinct from the word. But this is the more favorable construction; there is another which, if not more probable, is more obvious. Mr. Craighead may be understood as teaching that the only real agency of the Spirit was in inspiring the Scriptures and confirming them by signs and miracles. There is

much in his discourse that has this bearing, and undoubtedly this is the common impression among the people where it is best known. This was the idea of the Synod of Kentucky when they condemned him, and this is in fact denying the reality of the operation of the Spirit in our days; and whether his expressions have been fairly interpreted or not, they are dangerous, and ought to be condemned. In justice to Mr. Craighead, however, it ought to be remembered that he utterly disclaims this meaning in his defence set up to this Assembly; and would it be fair to continue to charge upon him opinions which he solemnly disavows? Of the sincerity of his disavowal God is the judge. The conclusion is that the first charge, though supported by strong probabilities, is not so conclusively established as to remove all doubt, because the words adduced in proof will bear a different construction from that put on them by the Presbytery and Synod.

The evidence in support of the second charge is still less clear and conclusive. The charge is:

"We charge him with denying, vilifying and misrepresenting the doctrine of divine foreordination and sovereignty and election."

It might, perhaps, be shown by argument that Mr. Craighead uses many expressions not consistent with these doctrines; but agreeably to the principle laid down above, he must not be charged with holding these consequences unless he has avowed them. These passages of his discourse, it is true, contain erroneous and offensive things, but they do not establish the charge of denying, vilifying, etc. In one single instance he seems to deny that everything should be referred to the sovereignty of God's will, but the words in their connection may have an innocent meaning. Here again it must be observed that Mr. Craighead solemnly declares his belief in the doctrine of decrees and election as expressed in our standards.

But whilst the General Assembly are of opinion that the charges against Mr. Craighead are not clearly and fully supported by the references, they feel it to be their duty to say that the impression which they have received from hearing extracts from this discourse are very unfavorable, and they do believe that Mr. Craighead by preaching and printing this sermon did subject himself justly to censure.

Moreover, the Assembly are of opinion that the doctrines of this sermon, in the most favorable construction, are different from those of the Reformed Churches and of our Church, and are erroneous, although the error is not of fundamental importance. They have observed, also, that this discourse contains many unjust and illiberal reflections on the doctrines which have been the common and uniform belief of the great majority of the preachers and writers of the Reformed Churches. He mentions the names of a few persons as favoring the doctrine which he opposes; but he might have put into the list almost every standard writer of our own and sister Churches since the Reformation.

The sermon also contains much declamation which confounds fanaticism and piety, and representations of opinions which are true and important, so associated with error and absurdity, as to exhibit them in a ridiculous and odious light.

Finally, the General Assembly are deeply impressed with the evidences of an improper spirit and an evil tendency in this sermon, and are of opinion that Mr. Craighead ought so to retract or explain his sentiments as to afford reasonable satisfaction to his brethren.

Whereupon, *Resolved*, That as the proceedings in the case of Mr. Craighead have been, in many respects, irregular, and he has suffered much injury from the delay produced by these irregularities, and whereas, also,

the charges are not so conclusively established as to remove all doubt, the General Assembly cannot see their way clear finally to confirm the sentence of the Synod of Kentucky, although they are of opinion that Mr. Craighead has subjected himself, by preaching and printing this sermon, to just censure. But as Mr. Craighead has had no fair opportunity of vindicating himself, or of making satisfactory explanations or retractions, therefore,

Resolved, That the whole cause be transmitted to the Presbytery of West Tennessee, in the bounds of which Mr. Craighead resides; and that they be directed to give him an early opportunity of offering that satisfaction which the church expects, for the offence received; and that upon receiving such explanation or retractions as to them shall be satisfactory, Mr. Craighead be restored to the gospel ministry, from which he had been suspended.—1824, pp. 122–124.

[Mr. Craighead was restored.]

6. Case of Rev. Albert Barnes.

[For a full statement and history of the case, see Baird's Revised Edition, pp. 694–700. On an appeal from the decision of the Synod of Philadelphia, it was]

Resolved, That the decision of the Synod of Philadelphia, suspending Rev. Albert Barnes from all the functions proper to the gospel ministry, be and it is hereby reversed. [Yeas 145, nays 78, declined voting 11.]—1836, p. 269.

[A resolution offered by Dr. Samuel Miller was rejected. Yeas 109, nays 122. Two protests which may be found in full, together with Dr. Miller's Resolution, in Baird, pp. 700–702, were entered. In reply the Assembly make the following statements as to the doctrines involved:]

The correctness of the preceding positions is confirmed, in the opinion of the Assembly, by a careful analysis of the real meaning of Mr. Barnes under each charge, as ascertained by the language of his book and the revisions, disclaimers, explanations and declarations which he has made.

In respect to the first charge, that Mr. Barnes teaches that all sin is voluntary, the context and his own declarations show that he refers to all *actual* sin merely, in which he affirms the sinner acts under no compulsion.

The second charge implies neither heresy nor errors, but relates to the expression of an opinion on a matter concerning which no definite instruction is contained either in the Bible or in the Confession of Faith.

In respect to the third charge, Mr. Barnes has not taught that unregenerate men are able, in the sense alleged, to keep the commandments and convert themselves to God. It is an inference of the prosecutor from the doctrine of natural ability as taught by Edwards, and of the natural liberty of the will as taught in the Confession of Faith, chap. ix., sec. i. On the contrary, he does teach, in accordance with our standards, that man, by the fall, hath wholly lost all *ability of will* to any spiritual good accompanying salvation.

In respect to the fourth charge, that faith is an act of the mind, Mr. Barnes does teach it, in accordance with the Confession of Faith and the Bible; but he does not deny that faith is a fruit of the special influence of the Spirit, and a permanent holy habit of mind, in opposition to a created physical essence. That faith "is counted for righteousness" is the language of the Bible, and as used by Mr. Barnes means, not that faith is the meritorious ground of justification, but only the instrument by which the benefit of Christ's righteousness is appropriated.

In respect to the fifth charge, Mr. Barnes nowhere denies, much less "sneers" at, the idea that Adam was the covenant and federal head of his posterity: on the contrary, though he employs not these terms, he does, in other language, teach the same truths which are taught by this phraseology.

In respect to the sixth and seventh charges, that the sin of Adam is not imputed to his posterity, and that mankind are not guilty or liable to punishment on account of the first sin of Adam, it is to be observed that it is not taught in the Confession of Faith that the *sin* of Adam is imputed to his posterity. The imputation of the guilt of Adam's sin, Mr. Barnes affirms, though not as including personal identity and the transfer of moral qualities, both of which are disclaimed by our standard writers, and by the General Assembly.

In respect to the eighth charge, that Christ did not suffer the penalty of the law, as the vicarious substitute of his people, Mr. Barnes only denies the literal infliction of the whole curse, as including remorse of conscience and eternal death, but admits and teaches that the sufferings of Christ, owing to the union of the divine and human natures in the person of the Mediator, were a full equivalent.

In respect to the ninth charge, that the righteousness of Christ is not imputed to his people, Mr. Barnes teaches the imputation of the righteousness of Christ, but not as importing a transfer of Christ's personal righteousness to believers, which is not the doctrine of our Church. And when he says that there is no sense in which the righteousness of Christ becomes ours, the context and his own declarations show that he simply means to deny a literal transfer of his obedience; which, on the contrary, he teaches is so imputed or set to our account as to become the only meritorious cause or ground of our justification.

In respect to the tenth charge, Mr. Barnes has not taught that justification consists in pardon only, but has taught clearly that it includes the reception of believers into favor, and their treatment as if they had not sinned.—1836, p. 287.

7. Testimony against Doctrinal Errors.

The Assembly adopted that part of the report of the Committee on the memorial which relates to doctrinal errors, as follows, viz.:

As one of the principal objects of the memorialists is to point out certain errors more or less prevalent in our Church, and to bear testimony against them, your Committee are of opinion that as one great object of the institution of the Church was to be a depository and guardian of the truth, and as by the Constitution of the Presbyterian Church in the United States it is made the duty of the General Assembly to testify against error; therefore, resolved, that the testimony of the memorialists concerning doctrine be adopted as the testimony of this General Assembly (with a few verbal alterations), which is as follows:

1. That God would have prevented the existence of sin in our world, but was not able without destroying the moral agency of man, or that, for aught that appears in the Bible to the contrary, sin is incidental to any wise moral system.

2. That election to eternal life is founded on a foresight of faith and obedience.

3. That we have no more to do with the first sin of Adam than with the sins of any other parent.

4. That infants come into the world as free from moral defilement as was Adam when he was created.

5. That infants sustain the same relation to the moral government of God in this world as brute animals, and that their sufferings and death are to be accounted for on the same principles as those of brutes, and not by any means to be considered as penal.

6. That there is no other original sin than the fact that all the posterity of Adam, though by nature innocent or possessed of no moral character, will always begin to sin when they begin to exercise moral agency; that original sin does not include a sinful bias of the human mind and a just exposure to penal suffering; and that there is no evidence in Scripture that infants, in order to salvation, do need redemption by the blood of Christ and regeneration by the Holy Ghost.

7. That the doctrine of imputation, whether of the guilt of Adam's sin or of the righteousness of Christ, has no foundation in the word of God, and is both unjust and absurd.

8. That the sufferings and death of Christ were not truly vicarious and penal, but symbolical, governmental and instructive only.

9. That the impenitent sinner is by nature, and independently of the renewing influence or almighty energy of the Holy Spirit, in full possession of all the ability necessary to a full compliance with all the commands of God.

10. That Christ does not intercede for the elect until after their regeneration.

11. That saving faith is not an effect of the special operation of the Holy Spirit, but a mere rational belief of the truth or assent to the word of God.

12. That regeneration is the act of the sinner himself, and that it consists in a change of his governing purpose which he himself must produce, and which is the result, not of any direct influence of the Holy Spirit on the heart, but chiefly of a persuasive exhibition of the truth analogous to the influence which one man exerts over the mind of another, or that regeneration is not an instantaneous act, but a progressive work.

13. That God has done all that he can do for the salvation of all men, and that man himself must do the rest.

14. That God cannot exert such influence on the minds of men as shall make it certain that they will choose and act in a particular manner without impairing their moral agency.

15. That the righteousness of Christ is not the sole ground of the sinner's acceptance with God, and that in no sense does the righteousness of Christ become ours.

16. That the reason why some differ from others in regard to their reception of the gospel is that they make themselves to differ.

Against all these errors, whenever and wherever and by whomsoever taught, the Assembly would solemnly testify, and would warn all in connection with the Presbyterian Church against them. They would also enjoin it upon all the inferior judicatories to adopt all suitable measures to keep their members pure from opinions so dangerous. Especially does the Assembly earnestly enjoin on all the Presbyteries to guard with great care the door of entrance to the sacred office. Nor can the Assembly regard as consistent with ministerial ordination vows an unwillingness to discipline according to the rules of the word of God and of our standards any person already a teacher who may give currency to the foregoing errors. Yeas 109; nays 6; *non liquet* 11.—1837, pp. 468–470.

8. An Explication of Doctrines.

[The following final article of a protest on the general action of the Assembly in reference to the "Memorial" was ordered to be placed upon the minutes, viz.:]

We protest finally, because, in view of all the circumstances of the case, we feel that while we were prevented from uniting in the final vote with the majority in their testimony against error, for the reasons above stated, we owe it to ourselves, to our brethren, to the Church and to the world to declare and protest that it is not because we do, directly or indirectly, hold or countenance the errors stated. We are willing to bear our testimony in full against them, and now do so, when, without misapprehension and liability to have our vote misconstrued, we avow our real sentiments, and contrast them with the errors condemned, styling them, as we believe, the true doctrine, in opposition to the erroneous doctrine condemned, as follows, viz.:

First Error. "That God would have prevented the existence of sin in our world, but was not able without destroying the moral agency of man; or that, for aught that appears in the Bible to the contrary, sin is incidental to any wise moral system."

True Doctrine. God permitted the introduction of sin, not because he was unable to prevent it, consistently with the moral freedom of his creatures, but for wise and benevolent reasons which he has not revealed.

Second Error. "That election to eternal life is founded on a foresight of faith and obedience."

True Doctrine. Election to eternal life is not founded on a foresight of faith and obedience, but is a sovereign act of God's mercy, whereby, according to the council of his own will, he hath chosen some to salvation; "yet so as thereby neither is violence offered to the will of the creatures, nor is the liberty or contingency of second causes taken away, but rather established;" nor does this gracious purpose ever take effect independently of faith and a holy life.

Third Error. "That we have no more to do with the first sin of Adam than with the sins of any other parent."

True Doctrine. By a divine constitution, Adam was so the head and representative of the race that, as a consequence of his transgression, all mankind became morally corrupt and liable to death, temporal and eternal.

Fourth Error. "That infants come into the world as free from moral defilement as was Adam when he was created."

True Doctrine. Adam was created in the image of God, endowed with knowledge, righteousness and true holiness. Infants come into the world not only destitute of these, but with a nature inclined to evil, and only evil.

Fifth Error. "That infants sustain the same relation to the moral government of God in this world as brute animals, and that their sufferings and death are to be accounted for on the same principles as those of brutes, and not by any means to be considered as penal."

True Doctrine. Brute animals sustain no such relation to the moral government of God as does the human family. Infants are a part of the human family; and their sufferings and death are to be accounted for on the ground of their being involved in the general moral ruin of the race induced by the apostasy.

Sixth Error. "That there is no other original sin than the fact that all the posterity of Adam, though by nature innocent, will always begin to sin when they begin to exercise moral agency; that original sin does not include a sinful bias of the human mind and a just exposure to penal suffering; and that there is no evidence in Scripture that infants, in order to salvation, do need redemption by the blood of Christ and regeneration by the Holy Ghost."

True Doctrine. Original sin is a natural bias to evil, resulting from the first apostasy, leading invariably and certainly to actual transgression. And all infants, as well as adults, in order to be saved, need redemption by the blood of Christ and regeneration by the Holy Ghost.

Seventh Error. "That the doctrine of imputation, whether of the guilt of Adam's sin or of the righteousness of Christ, has no foundation in the word of God, and is both unjust and absurd."

True Doctrine. The sin of Adam is not imputed to his posterity in the sense of a literal transfer of personal qualities, acts and demerit; but by reason of the sin of Adam, in his peculiar relation, the race are treated as if they had sinned. Nor is the righteousness of Christ imputed to his people in the sense of a literal transfer of personal qualities, acts and merit; but by reason of his righteousness, in his peculiar relation, they are treated as if they were righteous.

Eighth Error. "That the sufferings and death of Christ were not truly vicarious and penal, but symbolical, governmental and instructive only."

True Doctrine. The sufferings and death of Christ were not symbolical, governmental and instructive only, but were truly vicarious—*i. e.*, a substitute for the punishment due to transgressors. And while Christ did not suffer the literal penalty of the law, involving remorse of conscience and the pains of hell, he did offer a sacrifice which infinite wisdom saw to be a full equivalent. And by virtue of this atonement overtures of mercy are sincerely made to the race, and salvation secured to all who believe.

Ninth Error. "That the impenitent sinner is by nature, and independently of the renewing influence or almighty energy of the Holy Spirit, in full possession of all the ability necessary to a full compliance with all the commands of God."

True Doctrine. While sinners have all the faculties necessary to a perfect moral agency and a just accountability, such is their love of sin and opposition to God and his law that, independently of the renewing influence or almighty energy of the Holy Spirit, they never will comply with the commands of God.

Tenth Error. "That Christ does not intercede for the elect until after their regeneration."

True Doctrine. The intercession of Christ for the elect is previous as well as subsequent to their regeneration, as appears from the following Scripture, viz.: "I pray not for the world, but for them which thou hast given me, for they are thine. Neither pray I for these alone, but for them also which shall believe on me through their word."

Eleventh Error. "That saving faith is not an effect of the operations of the Holy Spirit, but a mere rational belief of the truth or assent to the word of God."

True Doctrine. Saving faith is an intelligent and cordial assent to the testimony of God concerning his Son, implying reliance on Christ alone for pardon and eternal life, and in all cases it is an effect of the special operation of the Holy Spirit.

Twelfth Error. "That regeneration is the act of the sinner himself, and that it consists in a change of his governing purpose which he himself must produce, and which is the result, not of any direct influence of the Holy Spirit on the heart, but chiefly of a persuasive exhibition of the truth, analogous to the influence which one man exerts over the mind of another, or that regeneration is not an instantaneous act, but a progressive work."

True Doctrine. Regeneration is a radical change of heart, produced by the special operations of the Holy Spirit, "determining the sinner to that which is good," and is in all cases instantaneous.

Thirteenth Error. "That God has done all that he can do for the salvation of all men, and that man himself must do the rest."

True Doctrine. While repentance for sin and faith in Christ are indispensable to salvation, all who are saved are indebted from first to last to the grace and Spirit of God. And the reason that God does not save all is not that he wants the *power* to do it, but that in his wisdom he does not see fit to exert that power further than he actually does.

Fourteenth Error. "That God cannot exert such influence on the minds of men as shall make it certain that they will choose and act in a particular manner without impairing their moral agency."

True Doctrine. While the liberty of the will is not impaired, nor the established connection betwixt means and end broken by any action of God on the mind, he can influence it according to his pleasure, and does effectually determine it to good in all cases of true conversion.

Fifteenth Error. "That the righteousness of Christ is not the sole ground of the sinner's acceptance with God, and that in no sense does the righteousness of Christ become ours."

True Doctrine. All believers are justified, not on the ground of personal merit, but solely on the ground of the obedience and death, or, in other words, the righteousness, of Christ. And while that righteousness does not become theirs in the sense of a literal transfer of personal qualities and merit, yet, from respect to it, God can and does treat them as if they were righteous.

Sixteenth Error. "That the reason why some differ from others in regard to their reception of the gospel is that they make themselves to differ."

True Doctrine. While all such as reject the gospel of Christ do it not by coercion, but freely, and all who embrace it do it not by coercion, but freely, the reason why some differ from others is because God has made them to differ.

George Duffield, E. W. Gilbert, Thomas Brown, Bliss Burnap, N. S. S. Beman, E. Cheever, E. Seymour, George Painter, F. W. Graves, Obadiah Woodruff, N. C. Clark,

Robert Stuart, Nahum Gould, Absalom Peters, Alexander Campbell.—1837, pp. 484–486.

9. Testimony against Certain Disorders and Irregularities.

Whereas, it is represented to the Assembly that the following disorders and irregularities are practiced in some portions of the Presbyterian Church, the Assembly, without determining the extent of them, would solemnly warn all in our connection against them. They are as follows, viz.:

1. The formation of Presbyteries without defined and reasonable limits, or Presbyteries covering the same territory, and especially such a formation founded on doctrinal repulsions or affinities, thus introducing schism into the very vitals of the body.

2. The licensing of persons to preach the gospel, and the ordaining to the office of the ministry such as not only accept of our standards merely for substance of doctrine, and others who are unfit and ought to be excluded for want of qualification, but of many even who openly deny fundamental principles of truth and preach and publish radical errors as already set forth.

3. The formation of a great multitude and variety of creeds which are often incomplete, false and contradictory of each other and of our Confession of Faith and the Bible, but which, even if true, are needless, seeing that the public and authorized standards of the Church are fully sufficient for the purposes for which such formularies were introduced—namely, as public testimonies of our faith and practice, as aids to the teaching of the people truth and righteousness, and as instruments for ascertaining and preserving the unity of the Spirit in the bonds of peace, it being understood that we do not object to the use of a brief abstract of the doctrines of our Confession of Faith in the public reception of private members of the Church.

4. The needless ordination of a multitude of men to the office of evangelist, and the consequent tendency to a general neglect of the pastoral office, frequent and hurtful changes of pastoral relations, to the multiplication of spurious excitements and the consequent spread of heresy and fanaticism, thus weakening and bringing into contempt the ordinary and stated agents and means for the conversion of sinners and the edification of the body of Christ.

5. The disuse of the office of ruling elder in portions of the Church, and the consequent growth of practices and principles entirely foreign to our system, thus depriving the pastors of needful assistants in discipline, the people of proper guides in Christ, and the churches of suitable representatives in the ecclesiastical tribunals.

6. The unlimited and irresponsible power assumed by several associations of men under various names to exercise authority and influence, direct and indirect, over Presbyteries, as to their field of labor, place of residence and mode of action in the difficult circumstances of our Church, thus actually throwing the control of affairs in large portions of the Church, and sometimes in the General Assembly itself, out of the hands of the Presbyteries into those of single individuals or small committees located at a distance.

The Assembly also considered that part of the report of the Committee on the Memorial which relates to church order, and the following specification of irregularity was referred to the Committee on Bills and Overtures, who were instructed to bring in an overture on the subject to be sent down to the Presbyteries, viz.:

8. A progressive change in the system of presbyterial representation in the General Assembly, which has been persisted in by those holding the ordinary majorities, and carried out into detail by those disposed to take undue advantage of existing opportunities, until the actual representation seldom exhibits the true state of the Church, and many questions of the deepest interest have been decided contrary to the fairly-ascertained wishes of the majority of the Church and people in our communion, thus virtually subverting the essential principles of freedom, justice and equality on which our whole system rests.—1837, p. 471.

[For testimonies of the Assembly against slavery, intemperance, vice and immorality, see under Book of Discipline, chap. i., sec. iii., at large.]

10. Power of the Assembly in Discipline.—Definitions and Limitations.

[The following paper is inserted here as containing a very clear and probably undisputed statement of the power of the Assembly in dealing with any great moral evil similar in character or circumstance to that which called it forth.]

Report of the Committee on the Constitutional Power of the General Assembly over the Subject of Slave-holding in our Churches.

The report of the Committee was adopted, and is as follows:

The Committee appointed by the last General Assembly "to report to the next Assembly on the constitutional power of the Assembly over the subject of slave-holding in our churches," respectfully submit the following report:

It should be observed at the outset that the Committee are instructed to report on but a single point—that of "power." The question before them is not what it may be wise for the Assembly to do, not what in a particular case or in general (authority being presupposed) would be for edification, but what is the "power of the Assembly in the matter of slave-holding?" This is a question which can be determined only by reference to our form of government. The "power" on which we are to report is fitly designated as "constitutional." We are a constitutional body. No judicatory of our Church has any legitimate functions save those which, either expressly or by clear implication, the Constitution confers. Emphatically should this be said of our highest judicatory, in view of the tendency of human nature in ecclesiastical connections to a grasping and tyrannous centralism. The one-man power at Rome is hardly more abhorrent to the genius of Presbyterianism than would be a many-headed papacy under the name and form of a General Assembly. It should be remembered also that as a visible Church or particular denomination our Constitution is the sole bond of our union. We are united, externally and formally, only as that unites us. That, of course, must measure and limit the responsibility for each other which grows out of our union. No one part of our body can be held answerable for the evils in another which, by the terms of our confederation, it has no power to reach. Their sole concern is with the relations of the Assembly to the matter. To determine this point, we have only to ascertain what are the constitutional powers of that body in respect to disciplinable offences generally.

Its functions in this regard, we judge, are of two kinds—*advisory* and *authoritative;* and between these there should be a careful discrimination. The advisory function of the Assembly is of very wide scope. According to the Form of Government, chapter xii., section v., they have the

power of "reproving, warning or bearing testimony against error in doctrine or immorality in practice in any church, Presbytery or Synod," and "of recommending . . . reformation of manners . . . through all the churches under their care." This function of reproof may be exercised in reference to any evil grave enough to call for it. Nor is it an unimportant function. The testimony of such a body as the General Assembly, especially if unanimously given, must needs have great weight. It has indeed only a moral influence. It is not authoritative. It binds no other body, not even a succeeding Assembly. It binds no individual, yet cases are not unfrequent in which a moral influence of this sort, if not the only one that could be employed, is the most efficacious. It has greater power over the conscience often than the most stringent exercise of bare authority.

As respects the authoritative function of the Assembly, or its power of discipline, that, we judge, can only be exercised in the forms and methods marked out in the constitution. It is by no means coextensive with its testifying power. As counsel or testimony has only a moral force, the manner in which it shall be put forth is wisely left to the discretion of the Assembly. Not so with discipline. Concerning, as it does, the dearest rights and interests, it is of the highest importance that the mode of its exercise should be particularly prescribed. So we find it in our Form of Government. Every step is distinctly set forth, and the greatest care taken to guard all concerned against mistake and abuse. Nor is any exception made as to any particular class of offences. If slave-holding is in any case to be dealt with as a disciplinable matter, it must be in some one of the ways explicitly authorized in the Constitution.

The methods in which the *authoritative* action of the Assembly may be invoked, as appears from the seventh chapter of the Book of Discipline, are four: By *reference*, by *appeal*, by *complaint*, and—to state the last, which, in the Book of Discipline, comes first—by *general review and control*. The three processes first named do not, of course, originate in the Assembly. Their inception is in a lower judicatory. In one or another of them, it is presumed, most of the matters which call for disciplinary action on the part of the highest judicatory will in due time come before it. There is, however, a possibility of neglect in this regard, and for such a contingency our Constitution—framed with a wisdom best appreciated by those who have most thoroughly studied it—has made a specific provision. This provision is found in the section on "General Review and Control." See Book of Discipline, chap. vii., sec. i.

Under this section there are two methods in which any disciplinable offence—and slaveholding, of course, when it assumes that character—may be reached authoritatively by the Assembly. (1.) It may appear from the records of a Synod, as submitted for inspection, that there has been some wrong-doing or culpable omission in the matter. A case may have been incorrectly decided or refused a hearing. Or it may be obvious that the records of some Presbytery have not, according to articles ii. and iii. of this section, been properly disposed of. Or it may appear that the duty enjoined in article vi., that of citing a lower judicatory in a given contingency, has been entirely neglected. In cases of this sort there may be "animadversion or censure," or, according to article iii., the Synod "may be required to review and correct its proceedings." (2.) "Any important delinquency or grossly unconstitutional proceedings," not apparent from the records, may yet be charged against a Synod "by common fame." It may be reported, for example, that, through some neglect of the Synod, "heretical opinions or corrupt practices" are "allowed to

gain ground," or that "offenders of a very gross character" are "suffered to escape." See articles v. and vi., of this same section. In such case, provided the rumor is of the character specified in the Book of Discipline, chap. iii., sec. v.—for a process against a Synod should certainly not be commenced on slighter grounds than against an individual—the Assembly "is to cite the judicatory alleged to have offended to appear at a specified time and place, and to show what it has done, or failed to do, in the case in question; after which the judicatory thus issuing the citation shall remit the whole matter to the delinquent judicatory, with a direction to "take it up and dispose of it in a constitutional manner, or stay all further proceedings in the case, as circumstances may require." See Book of Discipline, chap. vii., sec. i., art. vi.

In view of the aforenamed and other provisions of our Form of Government touching the authority of the Assembly, two things are to be carefully noted:

1. It has no power to *commence* a process of discipline with an individual offender. That, by a just and wise arrangement, belongs to the Session in the case of a layman, to the Presbytery in the case of a minister. The disciplinary function of the Assembly as to individuals is simply appellate and revisionary. It is not the court of first, but of last, resort.

2. In the way of "general review and control," it can reach *directly* only the judicatory next below—that is, the Synod. (See Book of Discipline, chap. vii., sec. i., art. vi.) Indirectly, indeed, the doings of other bodies may be involved. A session may grossly neglect discipline, for example, and the recorded indication or the common fame thereof may not be properly heeded by the Presbytery. The fruit of this heedlessness, or the evidence of it in the Presbyterial records, may call forth no appropriate action on the part of the Synod; and this may be brought by the Synodical records or by general rumor to the knowledge of the Assembly. On the ground of either the record or the rumor, the Assembly may cite the Synod before them. Thus *mediately* may even a Session be reached, but not directly.

Such are the metes and bounds which our Form of Government has prescribed, and which the Assembly may not overpass. It is quite possible that in connection with them offenders of various sorts may sometimes escape. To a human administration, of however divine a system, imperfection always pertains. Our Book of Discipline, indeed (chap. iii., sec. iii.), distinctly recognizes a class of cases in which, "however grievous it may be to the pious to see an unworthy member in the church, it is proper to wait until God in his righteous providence shall give further light." Waiting may be rendered necessary by a lack of fidelity on the part of the lower judicatories, as well as by a lack of evidence. We speak of it, of course, not as an actual, but only as a supposable, case. And it may seem to some a great evil that the General Assembly is not invested with larger powers. Yet it would be a greater evil to allow any departure from the carefully devised process of discipline set forth in the Constitution. To permit the Assembly to adopt at its pleasure new processes, to suit its own powers to real or fanciful exigencies, would not only invest it with legislative functions, but would virtually annul the Constitution, and transform the highest judicatory of the Church into an overshadowing ecclesiastical despotism.

It has indeed been urged, though we see not with what reason, that the advisory function of the Assembly, or its power of bearing testimony, implies the authority necessary to enforce that testimony. Is there, then, no just and salutary distinction between persuasion and compulsion? Must

the two be ever conjoined? Are there no cases in which a simple moral power may, in the nature of things, be most potent? Must the Assembly utter no counsels which are not to be interpreted as mandatory and coercive? If they may enforce all their counsels, how are they to do it? By processes which they themselves devise—extra constitutional processes? Or are they to be held to the provisions of the Book of Discipline? They have, it is true, the right according to the Form of Government, chap. xii., sec v., of "attempting" as well as "recommending reformation of manners." But the attempt must be made, if discipline is to be involved, only in the method prescribed in the Constitution. To all desirable ends the Committee believe that method will be found adequate, especially as connected with that testifying and reproving function so often exercised in time past, and which, by a body like the Assembly, can never be wisely exercised but with salutary results.—1856, pp. 197–201, N. S.

11. On the Outbreak of the Civil War—Testimony of the Assembly.

The Assembly resumed the consideration of the report of the Special Committee on the State of the Country. The report was amended, adopted, and is as follows:

Whereas, A portion of the people of the United States of America have risen up against the rightful authority of the government, have instituted what they call the "Confederate States of America," in the name and defence of which they have made war against the United States, have seized the property of the Federal Government, have assailed and overpowered its troops engaged in the discharge of their duty, and are now in armed rebellion against it, the General Assembly of the Presbyterian Church of the United States of America cannot forbear to express their amazement at the wickedness of such proceedings, and at the bold advocacy and defence thereof not only in those States in which ordinances of "secession" have been passed, but in several others; and

Whereas, The General Assembly, in the language of the Synod of New York and Philadelphia on the occasion of the Revolutionary war, "being met at a time when public affairs wear so threatening an aspect, and when (unless God in his sovereign providence speedily prevent it) all the horrors of civil war are to be apprehended, are of opinion that they cannot discharge their duty to the numerous congregations under their care without addressing them at this important crisis; and as a firm belief and habitual recollection of the power and presence of the living God ought at all times to possess the minds of real Christians, so in seasons of public calamity, when the Lord is known by the judgments which he executeth, it would be an ignorance or indifference highly criminal not to look up to him with reverence, to implore his mercy by humble and fervent prayer, and if possible, to prevent his vengeance by unfeigned repentance;" therefore,

Resolved, 1. That inasmuch as the Presbyterian Church in her past history has frequently lifted up her voice against oppression, and has shown herself a champion of constitutional liberty, as against both despotism and anarchy throughout the civilized world, we should be recreant to our high trust were we to withhold our earnest protest against all such unlawful and treasonable acts.

Resolved, 2. That this Assembly and the churches which it represents cherish an undiminished attachment to the great principles of civil and religious freedom on which our National Government is based, under the

influence of which our fathers prayed and fought and bled, which issued in the establishment of our independence, and by the preservation of which we believe that the common interests of evangelical religion and civil liberty will be most effectively sustained.

Resolved, 3. That inasmuch as we believe, according to our Form of Government, that "God, the supreme Lord and King of all the world, hath ordained civil magistrates to be, under him, over the people for his own glory and the public good, and to this end hath armed them with the power of the sword for the defence and encouragement of them that are good and for the punishment of evil-doers," there is, in the judgment of this Assembly, no blood or treasure too precious to be devoted to the defence and perpetuity of the government in all its constitutional authority.

Resolved, 4. That all those who are endeavoring to uphold the Constitution and maintain the government of these United States in the exercise of its lawful prerogatives, are entitled to the sympathy and support of all Christian and law-abiding citizens.

Resolved, 5. That it be recommended to all our pastors and churches to be instant and fervent in prayer for the President of the United States and all in authority under him, that wisdom and strength may be given them in the discharge of their arduous duties; for the Congress of the United States; for the Lieutenant-General commanding the Army-in-Chief, and all our soldiers, that God may shield them from danger in the hour of peril, and by the outpouring of the Holy Spirit upon the army and navy renew and sanctify them, so that whether living or dying they may be the servants of the Most High.

Resolved, 6. That in the countenance which many ministers of the gospel and other professing Christians are now giving to treason and rebellion against the government, we have great occasion to mourn for the injury thus done to the kingdom of the Redeemer, and that, though we have nothing to add to our former significant and explicit testimonials on the subject of slavery, we yet recommend our people to pray more fervently than ever for the removal of this evil and all others, both social and political, which lie at the foundation of our present national difficulties.

Resolved, 7. That a copy of these resolutions, signed by the officers of the General Assembly, be forwarded to his Excellency, Abraham Lincoln, President of the United States.

Immediately upon the adoption of this report the Assembly united in fervent prayer for the country and its rulers.—1861, p. 446, N. S.

12. Resolutions on the State of the Country, and Letter to the President of the United States.

The Special Committee on the State of the Country presented their report, which was adopted, and is as follows:

a. The Special Committee on the State of the Country submit the following preamble and resolutions:

Whereas, This General Assembly is called, in the providence of God, to hold its deliberations at a time when a wicked and fearful rebellion is threatening to destroy the fair fabric of our government, to lay waste our beloved country, and to blight and ruin, so far as the present life is concerned, all that is most dear to us as Christians; and

Whereas, As a branch of the Christian Church Presbyterians have ever been found loyal and the friends of good order, believing as they do that civil government is "ordained of God," that "the magistrate is the minister of God for good," that "he beareth not the sword in vain," and they

are therefore "subject" to this ordinance of God, "not only for wrath," or under the influence of fear, "but also for conscience' sake," or under the influence of moral and Christian principle; and

Whereas, The particular Church whose representatives we are, and in whose behalf we are now and here called to act, have inscribed upon our banner "THE CONSTITUTIONAL PRESBYTERIAN CHURCH," having never favored secession or nullification, either in Church or State, deem it quite becoming and proper in us to express ourselves, with great Christian sincerity and frankness, on those matters which now agitate our country. Therefore,

Resolved, 1. That we deem the government of these United States the most benign that has ever blessed our imperfect world; and should it be destroyed after its brief career of good, another such in the ordinary course of human events can hardly be anticipated for a long time to come, and for these reasons we revere and love it as one of the great sources of hope, under God, for a lost world; and it is doubly dear to our hearts, because it was procured and established by the toil and sacrifices and blood of our fathers.

Resolved, 2. That rebellion against such a government as ours, and especially by those who have ever enjoyed their full share of its protection, honors and rich blessings of every name, can have no excuse or palliation, and can be inspired by no other motives than those of ambition and avarice, and can find no parallel, except in the first two great rebellions—that which assailed the throne of heaven directly, and that which peopled our world with miserable apostates.

Resolved, 3. That whatever diversity of sentiment may exist among us respecting international wars or an appeal to the sword for the settlement of points of honor or interest between independent nations, we are all of one mind on the subject of rebellion, and especially against the best government which God has yet given to the world; that our vast army now in the field is to be looked upon as one great police force, organized to carry into effect the constitution and laws which the insurgents, in common with other citizens, have ordained by their own voluntary acts, and which they are bound by honor and oath and conscience to respect and obey, so that the strictest advocates of peace may bear an active part in this deadly struggle for the life of the government.

Resolved, 4. That while we have been utterly shocked at the deep depravity of the men who have planned and matured this rebellion, and who are now clad in arms, manifested in words and deeds, there is another class found in the loyal States who have excited a still deeper loathing—some in Congress, some high in civil life, and some in the ordinary walks of business, who never utter a manly thought or opinion in favor of the government, but they follow it, by way of comment, with two or three smooth apologies for Southern insurrectionists, presenting the difference between an open and avowed enemy in the field and a secret and insidious foe in the bosom of our own family.

Resolved, 5. That, in our opinion, this whole insurrectionary movement can be traced to one primordial root, and to one only, African slavery and the love of it and a determination to make it perpetual, and while we look upon this war as having one grand end in view, the restoration of the Union by crushing out the last living and manifested fibre of rebellion, we hold that everything, the institution of slavery, if need be, must be made to bend to this one great purpose, and while under the influence of humanity and Christian benevolence we may commiserate the condition of the ruined rebels, once in fraternity with ourselves, but now,

should the case occur, despoiled of all that makes the world dear to them we must be at the same time constrained to feel that the retribution has been self-inflicted, and must add, "*Fiat justitia ruat cœlum.*"

Resolved, 6. That we have great confidence in Abraham Lincoln, President of the United States, and in his Cabinet, and in the commanders of our armies and our navy, and the valiant men of this Republic, prosecuting a holy warfare under their banners; and while we bless God that he has stood by them and cheered them on in what we trust will ever stand as the darkest days of our country's humiliation, and crowned them with many signal victories, and knowing that ultimate success is with God alone, we will ever pray that the last sad note of anarchy and misrule may soon die away, and the old flag of our country, radiant with stripes and brilliant with stars, may again wave over a great and undivided and happy people.

Resolved, 7. That we here, in deep humiliation for our sins and the sins of the nation, and in heartfelt devotion, lay ourselves, with all that we are and have, on the altar of God and our country; and we hesitate not to pledge the churches and Christian people under our care as ready to join with us in the same fervent sympathies and united prayers that our rulers in the Cabinet, and our commanders in the field and on the waters, and the brave men under their leadership, may take courage under the assurance that "The Presbyterian Church in the United States of America" are with them, in heart and hand, in life and effort, in this fearful existing conflict.

Resolved, finally, That a copy of these Resolutions, signed by the officers of the General Assembly, be forwarded to his Excellency, ABRAHAM LINCOLN, President of the United States, accompanied by the following respectful letter:

TO THE PRESIDENT OF THE UNITED STATES:

The General Assembly of the Presbyterian Church, holding its annual sessions in the city of Cincinnati, Ohio, in transmitting the accompanying resolutions, beg leave most respectfully to express to your Excellency, in a more personal manner, the sentiments of our Church, in reference to yourself and the great issues with which you are called to deal.

It is with no desire to bring a tribute of flattery when we assure you, honored sir, of the affection and the confidence of our Church. Since the day of your inauguration, the thousands of our membership have followed you with unceasing prayer, besieging the Throne of heaven in your behalf. In our great church courts, in our lesser judicatories, in our weekly assemblages in the house of God, at our family altars, in the inner place of prayer, you have been the burden of our hourly petitioning.

When we look at the history of your administration hitherto, and at the wonderful way in which this people have been led under your guidance, we glorify God in you. We give praise, not to man, but to God. In your firmness, your integrity, challenging the admiration of even our enemies, your moderation, your wisdom, the timeliness of your acts, exhibited at critical junctures, your paternal words, so eminently fitting the chosen head of a great people, we recognize the hand and the power of God; we devoutly and humbly accept it as from him, an answer to the innumerable prayers which have gone up from our hearts.

We desire, as a Church, to express to you our reverence, our love, our deep sympathy with you in the greatness of your trust, and in the depth of your personal bereavements; and to pledge you, as in the past, so in all

the future, our perpetual remembrance of you before God, and all the support that loyal hearts can offer.

We have given our sons to the army and navy; some of our ministers and many of our church-members have died in hospital and field; we are glad that we gave them, and we exult in that they were true even to death. We gladly pledge as many more as the cause of our country may demand.

We believe that there is but one path before this people: this gigantic and inexpressibly wicked rebellion must be destroyed; the interests of humanity, the cause of God and his Church, demand it at our hands. May God give to you his great support, preserve you, impart to you more than human wisdom, and permit you ere long to rejoice in the deliverance of our beloved country in its peace and unity.

Immediately upon the adoption of this report the Assembly united in fervent prayer for the country, the President and all the officers of the government, and for the success of our arms in suppressing the rebellion and restoring the blessings of peace.

The following preamble and resolutions were adopted:

In view of the great demand that is laid upon the practical beneficence of the country, in behalf especially of the sick and wounded soldiers of our army, by the present rebellion, it is thought to be not inappropriate—nay, peculiarly in keeping with the spirit and example of the great Head of the Church—that such action should be taken by this Assembly as shall awaken an increased interest in this good cause throughout all the churches and communities which we represent.

Much, doubtless, has been done for the soldier in every loyal portion of the country, but facts here brought immediately before our eyes show that those sections farther removed from the seats of war do not yet appreciate the importance and the vastness of this work, as it is felt and nobly borne by this and other cities of the West. And yet even here, where the terrible fruits of Fort Donelson and Pittsburg Landing have been so abundantly seen, it is believed that only a mere beginning has been made, in comparison with the sanitary relief that will be demanded during the months to come. The warm weather of summer is now approaching, and the thousands of brave men who will be prostrated by sickness will doubtless lay a claim upon the sympathy and effort of the churches and the country such as we have never known before.

In consideration of these facts, and the whole subject before us,

Be it resolved by this Assembly, 1. That the present struggle for the preservation of our common country is one in which it is the privilege, as well as the duty, of all patriotic men of whatever section to bear as nearly as may be an equal part; and that, especially in the work of caring for the sick and wounded, the vast degrees of local interest should be extended and made universal; and that the efforts which are put forth at points nearer the actual scenes of suffering should be fully emulated by every community over which the flag of our Union is permitted to float.

2. That no form of beneficence in this eventful time can be more needed, and more fruitful of sure and perceptible relief, than that which provides for the health and comfort of the soldiers who crowd our hospitals, and still more those whom it is impossible to remove from the distant battle-fields.

3. That the Assembly earnestly recommend to all our Presbyteries and churches the United States Sanitary Commission, an efficient branch of which exists in this city, as the very best channel through which to reach the sick and wounded of the army. It is thoroughly organized, possessed

of all needful facts, and now acting with that system and economy which only an enlarged experience can secure.—1862, pp. 23–27, N. S.

b. [The following was adopted by yeas 206, nays 20:] The paper is as follows:

The General Assembly of the Presbyterian Church in the United States of America, now in session at Columbus, in the State of Ohio:

Considering the unhappy condition of the country in the midst of a bloody civil war, and of the Church agitated everywhere, divided in sentiment in many places and openly assailed by schism in a large section of it; considering, also, the duty which this chief tribunal, met in the name and by the authority of the glorified Saviour of sinners, who is also the sovereign Ruler of all things, owes to him, our Head and Lord, and to his flock committed to our charge, and to the people whom we are commissioned to evangelize, and to the civil authorities who exist by his appointment, do hereby in this deliverance give utterance to our solemn convictions and our deliberate judgment touching the matters herein set forth, that they may serve for the guidance of all over whom the Lord Christ has given us any office of instruction or any power of government.

I. Peace is amongst the very highest temporal blessings of the Church, as well as of all mankind, and public order is one of the first necessities of the spiritual as well as the civil commonwealth. Peace has been wickedly superseded by war in its worst form throughout the whole land, and public order has been wickedly superseded by rebellion, anarchy and violence in the whole Southern portion of the Union. All this has been brought to pass in a disloyal and traitorous attempt to overthrow the national government by military force, and to divide the nation contrary to the wishes of the immense majority of the people of the nation, and without satisfactory evidence that the majority of the people in whom the local sovereignty resided, even in the States which revolted, ever authorized any such proceeding, or ever approved the fraud and violence by which this horrible treason has achieved whatever success it has had. This whole treason, rebellion, anarchy, fraud and violence is utterly contrary to the dictates of natural religion and morality, and is plainly condemned by the revealed will of God. It is the clear and solemn duty of the national government to preserve, at whatever cost, the national Union and Constitution, to maintain the laws in their supremacy, to crush force by force, and to restore the reign of public order and peace to the entire nation, by whatever lawful means that are necessary thereunto. And it is the bounden duty of the people who compose this great nation, each one in his several place and degree, to uphold the Federal government, and every State government, and all persons in authority, whether civil or military, in all their lawful and proper acts, unto the end hereinbefore set forth.

II. The Church of Christ has no authority from him to make rebellion, or to counsel treason, or to favor anarchy, in any case whatever. On the contrary, every follower of Christ has the personal liberty bestowed on him by Christ to submit for the sake of Christ, according to his own conscientious sense of duty, to whatever government, however bad, under which his lot may be cast. But while patient suffering for Christ's sake can never be sinful, treason, rebellion and anarchy may be sinful—most generally, perhaps, are sinful—and probably are always and necessarily sinful in all free countries where the power to change the government by voting in the place of force, which exists as a common right, constitutionally secured to the people who are sovereign. If in any case treason, rebellion and anarchy can possibly be sinful, they are so in the case now

desolating large portions of this nation, and laying waste great numbers of Christian congregations, and fatally obstructing every good word and work in those regions. To the Christian people scattered throughout those unfortunate regions, and who have been left of God to have any hand in bringing on these terrible calamities, we earnestly address words of exhortation and rebuke, as unto brethren who have sinned exceedingly, and whom God calls to repentance by fearful judgments. To those in like circumstances who are not chargeable with the sins which have brought such calamities upon the land, but who have chosen, in the exercise of their Christian liberty, to stand in their lot and suffer, we address words of affectionate sympathy, praying God to bring them off conquerors. To those in like circumstances who have taken their lives in their hands and risked all for their country and for conscience' sake, we say we love such with all our heart, and bless God such witnesses were found in the time of thick darkness. We fear, and we record it with great grief, that the Church of God and the Christian people, to a great extent, and throughout all the revolted States, have done many things that ought not to have been done and have left undone much that ought to have been done in this time of trial, rebuke and blasphemy; but concerning the wide schism which is reported to have occurred in many Southern Synods this Assembly will take no action at this time. It declares, however, its fixed purpose, under all possible circumstances, to labor for the extension and the permanent maintenance of the Church under its care in every part of the United States. Schism, so far as it may exist, we hope to see healed. If that cannot be, it will be disregarded.

III. We record our gratitude to God for the prevailing unity of sentiment and general internal peace which have characterized the Church in the States that have not revolted, embracing a great majority of the ministers, congregations and people under our care. It may still be called with emphasis a loyal, orthodox and pious Church, and all its acts and works indicate its right to a title so noble. Let it strive for divine grace to maintain that good report. In some respects the interests of the Church of God are very different from those of all civil institutions. Whatever may befall this or any other nation, the Church of Christ must abide on earth, triumphant even over the gates of hell. It is, therefore, of supreme importance that the Church should guard itself from internal alienations and divisions founded upon questions and interests that are external as to her, and which ought not by their necessary workings to cause her fate to depend on the fate of things less important and less enduring than herself. Disturbers of the Church ought not to be allowed, especially disturbers of the Church in States that never revolted or that have been cleared of armed rebels—disturbers who, under many false pretexts, may promote discontent, disloyalty and general alienation, tending to the unsettling of ministers, to local schisms and to manifold trouble. Let a spirit of quietness, of mutual forbearance and of ready obedience to authority, both civil and ecclesiastical, illustrate the loyalty, the orthodoxy and the piety of the Church. It is more especially to ministers of the gospel, and amongst them, particularly to any whose first impressions had been on any account favorable to the terrible military revolution which has been attempted, and which God's providence has hitherto so singularly rebuked, that these decisive considerations ought to be addressed. And in the name and by the authority of the Lord Jesus we earnestly exhort all who love God or fear his wrath to turn a deaf ear to all counsels and suggestions that tend toward a reaction favorable to disloyalty, schism or disturbance either in the Church or in the country. There is hardly anything more inexcusable

connected with the frightful conspiracy against which we testify than the conduct of those office-bearers and members of the Church who, although citizens of loyal States and subject to the control of loyal Presbyteries and Synods, have been faithless to all authority, human and divine, to which they owed subjection. Nor should any to whom this deliverance may come fail to bear in mind that it is not only their outward conduct concerning which they ought to take heed, but it is also and especially their heart, their temper and their motives in the sight of God, and toward the free and beneficent civil government which he has blessed us withal, and toward the spiritual commonwealth to which they are subject in the Lord. In all these respects we must all give account to God in the great day. And it is in view of our own dread responsibility to the Judge of quick and dead that we now make this deliverance.—1862, pp. 624, 625. O. S.

c. The General Assembly of 1861 adopted a minute on the state of the Church and the country. The Assembly of 1862 uttered a more formal and comprehensive deliverance. In the mean time, a certain number, perhaps the larger portion, of the Presbyteries and Synods, have expressed their judgment on the same subject. This General Assembly is persuaded that the office-bearers and members of this Church within the Presbyteries represented here are in a remarkable degree united in a strict and true allegiance to the Constitution and government of the United States, and that they are, as a body, loyal both to the Church and the civil government as ordinances of God.

This General Assembly contents itself on that part of the subject by enjoining upon all the people of God who acknowledge this Church as their Church to uphold, according as God shall give them strength, the authority of the Constitution and laws of the land in this time of supreme national peril. But this Assembly would most distinctly and solemnly inculcate upon all its people the duty of humbly confessing before God the great unworthiness and the many sins of the people of this land, and of acknowledging the holiness and justice of the Almighty in the present visitation. He is righteous in all his ways and holy in all his works. We exhort our brethren to seek the gift of the Holy Ghost by prayer and confession and repentance, so that the anger of the Lord may be turned away from us, and that the spirit of piety may become not less predominant and vital in the churches than the spirit of an awakened patriotism.

And this Assembly, connecting the experience of our present trials with the remembrance of those through which the Church has passed, does now recall and adopt the sentiments of our fathers in the Church of Scotland, as these are expressed in substance in the Solemn League and Covenant of 1643: "And because the people of this land are guilty of many sins and provocations against God and his Son Jesus Christ, as is manifest by our present distresses and dangers, the fruits thereof, we profess and declare before God and the world our unfeigned desire to be humbled for our own sins and the sins of the people, especially that we have not as we ought valued the inestimable benefit of the gospel, nor labored for the purity and power thereof; and that we have not as we ought endeavored to receive Christ in our hearts, nor to walk worthy of him in our lives, which are the cause of other sins and transgressions so much abounding among us; and our true and unfeigned purpose, desire and endeavor for ourselves, and all others under our charge, both in public and private, in all duties we owe to God and man, to amend our lives, and each one to go before another in the example of a real reformation, that the Lord may turn away his wrath and heavy indignation, and establish the Church and the land in truth and peace."—1863, p. 60, O. S.

13. Duty of Citizens to Support "the Federal Administration," as being quoad hoc "the Government."

[Referring to its previous action the Assembly affirms its continuance in the views there expressed, and *inter alia* declares:]

First, That civil government is ordained of God, and that submission to a lawful government and to its acts in its proper sphere is a duty binding on the conscience, and required by all the principles of our religion as a part of our allegiance to God.

Second, That while there is in certain respects a ground of distinction between a *government*, considered as referring to the constitution of a country, and an *administration*, considered as referring to the existing agencies, through which the principles and provisions of the Constitution are administered, yet the government of a country, to which direct allegiance and loyalty are due at any time, is the administration duly placed in power. Such an administration is the government of a nation, having a right to execute the laws and to demand the entire, unqualified and prompt obedience of all who are under its authority, and resistance to such a government is rebellion and treason.

Third, That the present administration of the United States, duly elected under the Constitution, is the government in the land, to which alone, under God, all the citizens of this nation owe allegiance; who, as such, are to be honored and obeyed, whose efforts to defend the government against rebellion are to be sustained, and that all attempts to resist or set aside the action of the lawfully-constituted authorities of the government in any way, by speech or action, to oppose or embarrass the measures which it may adopt to assert its lawful authority, except in accordance with the forms prescribed by the Constitution, are to be regarded as treason against the nation, as giving aid and comfort to its enemies and as rebellion against God.

Fourth, That in the execution of the laws it is the religious duty of all good citizens promptly and cheerfully to sustain the government by every means in their power, to stand by it in its peril, and to afford all needful aid in suppressing insurrection and rebellion, and restoring obedience to lawful authority in every part of the land.—See in full, 1863, pp. 242–245, N. S.

14. Resolutions Upholding the Civil Authority.

Whereas, The iniquitous rebellion, prompted by reckless ambition, in the defence and furtherance of human slavery, continues to lift itself against the liberal and legitimate government of the United States; and,

Whereas, Such rebellion not only violates the sacred principle of obedience to the authorities ordained of God, but also directly advocates the hindrance of the free progress of God's holy word, and thus, as anti-Christ, opposes itself to the truth; and,

Whereas, Its aiders and abettors are responsible for the sea of blood that has been shed through their resistance to the righteous efforts of the government to save the life and integrity of the nation; and,

Whereas, It becomes the Church of Christ to utter no uncertain voice in regard to a grand public fact so intimately and essentially associated with its interests; therefore,

Resolved, 1. That this General Assembly heartily reaffirms the principles and renews the declarations of previous General Assemblies, so far as applicable to the present aspect of public affairs.

Resolved, 2. That we recognize clearly the good hand of our God in all

the victories of the national arms whereby the limits of the rebellion have been contracted and its vitality impaired, and we look humbly and confidently to the same divine source for further success, until the cause of the nation shall be vindicated and peace established on the grave of treason.

Resolved, 3. That we also recognize the same good hand of our God in the disappointments and delays of the war, by which he has made more sure the complete destruction of the vile system of human bondage, and rendered less self-confident and more religious the heart of the nation.

Resolved, 4. That in such recognition and hope we do by no means lose sight of our national and individual sins which render us so utterly unworthy of the divine favor, but confess them with penitent hearts, and trust to a covenant God in Christ Jesus that this unworthiness will not hinder the might of God's grace in behalf of the cause of right and order.

Resolved, 5. That we exhort all our churches to renewed zeal and faithfulness in supplication to God for the deliverance of the land, and the prosperity of Christ's kingdom, through the blessings of national peace and fraternity.

Resolved, 6. That we cordially uphold the government with our sympathies and prayers in its energetic efforts for the suppression of this most causeless and cruel rebellion, and urge all Christians to refrain from weakening the authority of the administration by ill-timed complaints and unnecessary criticisms, fully believing that in such a crisis all speech and action which tend to difference should be studiously avoided for the sake of the common weal.

Resolved, 7. That a copy of these resolutions, duly authenticated, be transmitted to the President of the United States.—1864, p. 466, N. S.

15. Upon the Assassination of President Lincoln.

The following report was adopted unanimously:

a. This General Assembly, recognizing the special providence of Almighty God, the Ruler of nations and Redeemer of men, in all the events connected with the terrible civil war which for four years has desolated our land, would here record our devout thanksgiving and gratitude to Him by whom "kings reign and princes decree justice" for his divine favor to us as a nation, in filling the hearts of the loyal people of these United States with an inextinguishable love for our national Union and an unconquerable resolution to preserve it; in raising up a mighty host of valiant men, ready to give their lives in defence of our national government; in blessing the various departments of that government in their work of organizing, equipping and maintaining, throughout the entire conflict, our vast army and navy; in providing leaders of wisdom, courage and skill suited for every emergency; in calling forth such unwonted benevolence in promoting the physical comfort and spiritual welfare of our soldiers and sailors and in bringing so many of them to a saving knowledge, as we trust, of the plan of salvation through a crucified Redeemer; in bringing to confusion the counsels and overwhelming the power of our enemies; and in crowning our arms with triumphant success.

We would also render hearty thanks to almighty God that in this crisis of our nation's history he gave us, in Abraham Lincoln, a Chief Magistrate who acknowledged his dependence on him for wisdom and strength, and who eminently illustrated, in his life and character, the virtues of fidelity to official duty, integrity and uprightness, firmness of purpose, patient endurance, courage and hope in disaster, moderation in victory, sympathy with the suffering, and kindness to foes; one who exhibited that wisdom, sagacity and mercy in administering the affairs of

the nation, which secured for him the confidence and esteem of friends, silenced the calumnies of enemies, and constrained from malignant opposers and rebels expressions of respect and admiration, and which will cause his name and memory to be honored and revered by the pure and good in all time to come.

While we deeply deplore the loss of such a Chief Magistrate, and bow in humble submission to that mysterious providence which permitted treason, as its culminating act of atrocity and wickedness, to terminate his life by the hand of an assassin, we would render devout thanksgiving to God that he was protected from all the machinations of his relentless enemies until he was permitted to see the power of the rebellion crushed, its strongholds repossessed, its conquered armies forced to surrender, the national honor, untarnished by acts of barbarism or cruelty, vindicated, the integrity of the Union preserved, that scheme of emancipation, which he had the wisdom to devise, and the courage to execute, made effective to the deliverance from bondage of four millions of slaves, for whose perpetual enslavement the rebellion was inaugurated, and peace, upon principles of righteousness and universal freedom, already dawning upon the land.

In closing this record, we would invoke the divine blessing upon our present Chief Magistrate, and would ask for him the prayers of all Christian people, that he may be endowed with the fear of God, and with the spirit of wisdom and of a sound mind, and be enabled, through wise counsels and by just and prudent measures, to secure to this nation the full enjoyment of that peace which has been obtained at the price of so much blood; and we commend all our rulers and all the people to the gracious favor of Him who, by his recent providences, has given renewed assurance that, though "clouds and darkness are round about him, righteousness and judgment are the habitation of his throne."—1865, p. 566, O. S.

b. In the Assembly, N. S., the following was adopted:

In the sad event which has clothed the nation in mourning, which has stricken down in the full maturity of his powers and the height of his usefulness one of the noblest of men, to whom it was given of God to accomplish a work for this nation and the cause of humanity unsurpassed in the grandeur of its character and the magnitude of its issues by that of any of his most illustrious predecessors, we recognize the same wise providence which, looking far above our feeble vision, permitted the existence of slavery and the rise of this rebellion, and which, in this last act of baffled and defeated despotism, has illustrated its debased and malignant spirit so as to excite the loathing, horror and abhorrence of the world. In his life he struck the chains from the trembling limbs of millions, vindicated the rights of humanity, and illustrated the glory of a patriotism made strong and pure by devout confidence in God. In his death he touched the chords of sympathy deep in the heart of universal man, and won over to our holy cause every true lover of his race, every soul in which dwells the hope of freedom.

To his bereaved widow and family this body would express our sympathy in this great affliction common to us all, but resting most heavily upon those so nearly allied to him, assuring them of our prayers that to them may be granted the consolations of the Comforter, and in them these trials may bring forth "the peaceable fruits of righteousness."—1865, p 37, N. S. [See the deliverance in full, pp. 36–41.]

16. Powers of the Assembly in Defining and Determining which are True and Lawful Judicatories.

The report thus adopted is as follows:

The Committee to whom were referred sundry papers relating to the divisions of the Synods of Kentucky and Missouri, and of the Presbyteries under their care, which has resulted in two sets of commissioners claiming seats in this General Assembly from several of these Presbyteries, and also sundry papers concerning the signers of a paper entitled a "Declaration and Testimony," etc., together with the citation of the said signers, who were summoned by the last General Assembly to appear before this present Assembly, beg leave to report:

That they have had the matters committed to them under consideration, and have had full personal conference with the several claimants for seats, and recommend to the General Assembly for adoption the following propositions:

I. The ecclesiastical judicatories hereinafter named are the true and lawful judicatories in connection with and under the care and authority of the General Assembly of the Presbyterian Church in the United States of America, namely:

The Synod of Kentucky, which met at Henderson, Kentucky, in October, 1866, and adjourned to meet, and did meet, in Lexington, Kentucky, in November, 1866, of which Synod the Rev. J. T. Lapsley is now the moderator and the Rev. S. S. McRoberts is the stated clerk, this Synod having under its care and authority, and within its ecclesiastical boundaries, the following Presbyteries—viz., the Presbytery of Louisville, of which the Rev. J. P. McMillan is now the moderator and the Rev. R. Valentine is the stated clerk; the Presbytery of Ebenezer, of which the Rev. J. F. Hendy is now the moderator and the Rev. R. F. Caldwell is the stated clerk; the Presbytery of West Lexington, of which the Rev. Stephen Yerkes, D. D., is now the moderator and the Rev. J. K. Lyle is the stated clerk; the Presbytery of Transylvania, of which the Rev. G. J. Read is now the moderator and the Rev. S. S. McRoberts is the stated clerk; the Presbytery of Muhlenburg, of which the Rev. A. D. Metcalf is now the moderator and the Rev. S. Y. Garrison is the stated clerk; and the Presbytery of Paducah, of which the Rev. J. P. Riddle is now the moderator and the Rev. James Hawthorn is the stated clerk; and these several Presbyteries having in their connection and under their care and authority and within their ecclesiastical boundaries respectively the ministers, churches, licentiates and candidates belonging to, and claiming to belong to, the Presbyterian Church in the United States of America. The foregoing described judicatories—namely, the Synod, Presbyteries and church sessions within their respective jurisdictions, are to be respected and obeyed as the true and only lawful judicatories possessing the names above recited within the State of Kentucky, which are in connection with and under the care and authority of the General Assembly of the Presbyterian Church in the United States of America; and the commissioners sent to and enrolled in this General Assembly from the above described Presbyteries are true and lawful commissioners.

The Synod of Missouri, which met at Boonville, Missouri, October 10, 1866, of which Synod the Rev. J. P. Finley was elected moderator and the Rev. J. A. Paige was elected the stated clerk, and which adjourned to meet in Kansas City on the second Wednesday in October, 1867, this Synod having under its care and authority, and within its ecclesiastical boundaries, the following Presbyteries, viz.—the Presbytery of St. Louis,

of which the Rev. J. F. Fenton is now the moderator and the Rev. H. C. McCook is the stated clerk; the Presbytery of Palmyra, of which the Rev. A. Steed is now the moderator and the Rev. J. P. Finley is the stated clerk; the Presbytery of Potosi, of which the Rev. G. W. Harland is now the moderator and the Rev. A. Munsen is the stated clerk; the Presbytery of Lafayette, of which the Rev. Charles Sturdevant is now the moderator and the Rev. George Fraser is the stated clerk; the Presbytery of Southwest Missouri, of which the Rev. Wm. R. Fulton is now the moderator and the Rev. James A. Paige is the stated clerk; and the Presbytery of Upper Missouri, of which the Rev. Mr. Pinkerton is now the moderator and the Rev. W. C. McPheeters is the stated clerk; and these several Presbyteries, having in their connection and under their care and authority and within their ecclesiastical boundaries respectively the ministers, churches, licentiates and candidates belonging to, and claiming to belong to, the Presbyterian Church in the United States of America. The above described judicatories—namely, the Synod, Presbyteries and church sessions within their respective jurisdictions—are to be respected and obeyed as the true and only lawful judicatories possessing the names above recited within the State of Missouri, which are in connection with and under the care and authority of the General Assembly of the Presbyterian Church in the United States of America; and the commissioners sent to and enrolled in this General Assembly from the above described Presbyteries are true and lawful commissioners.—1867, p. 335. The remainder of the deliverance is omitted, in conformity with the action of the Assembly of 1873.

17. Case of the Walnut Street Church, Louisville, Ky.—The Assembly Passes upon the Validity of the Election of Ruling Elders.

a. The Committee on Bills and Overtures, to whom were referred the petition and memorial of Benjamin F. Avery, D. McNaughton, James A. Linch and Thomas J. Hackney, ruling elders in the Walnut Street Church in Louisville, praying for such redress as in the wisdom of the General Assembly may seem just and necessary to redress the grievances of said church, as set forth in said memorial and petition, report that they have considered the matter referred, and recommend the adoption of the following:

Whereas, On the second day of January last, D. McNaughton, Benjamin F. Avery and James A. Leech were elected ruling elders by the congregation of said church, and on the ninth day of January the said D. McNaughton was installed and Benjamin F. Avery and James A. Linch were duly ordained and installed ruling elders in said church;

And *whereas*, The Presbytery of Louisville, after the election of said ruling elders, with the apparent design of discrediting said election, denied to one of their number a seat in said Presbytery, notwithstanding he had been duly elected to represent said church at a meeting of said Presbytery;

And *whereas*, It is evident that the peace of said church and their congregational rights are in great danger unless this Assembly shall interpose its authority, therefore this General Assembly, by virtue of its authority and obligation to give advice and instruction in all cases submitted to them, does truly declare that the said D. McNaughton, Benjamin F. Avery and James A. Leech are to be recognized and acknowledged as ruling elders in the said church, and all church courts and sessions, subject to or under the care of this Assembly, are solemnly enjoined to respect and sustain their authority as such.

The report on this overture was adopted.—1866, p. 54, O. S.

A protest was entered against this, to which the Assembly reply:

In answer to the protest of Mr. Bracken and others, in the case of the Walnut Street Church of Louisville, the Assembly declare that the election of new ruling elders in that church was ordered by the Synod of Kentucky, on a review of the whole case, upon memorial from the congregation, and was conducted and consummated by the Committee appointed by the Synod with plenary powers, all of which is established by the attested records of the Synod of Kentucky, and of the Committee appointed by that Synod, the premises meeting all the circumstances and requirements of the case.—1866, p. 68, O. S.

b. The General Assembly of 1866 adjudged that B. F. Avery, D. McNaughton and J. A. Leech had been duly elected and ordained as ruling elders in the Walnut Street Presbyterian Church, Louisville, Ky. It has now come to the knowledge of the Assembly that the court of appeals of Kentucky has uttered a judicial opinion in these words: "That the said order of the Synod directing said election of additional ruling elders in said church was contrary to the Constitution of the Presbyterian Church, and not obligatory upon the session and congregation of said Walnut Street Church, and said Avery, McNaughton and Leech, not having been elected as ruling elders according to the laws and regulations of the Church, were not thereby constituted ruling elders, nor were they so constituted by said declaration of the General Assembly."

Whereupon the Presbytery of Louisville adopted and published a protest against this decision of the judges. The Presbytery denies that it is competent for the secular tribunals to look into or to set aside the election of office-bearers in the Church; or to revise the decisions of the spiritual courts in regard to such elections; or to define the jurisdiction of our church courts in matters purely spiritual; or to go behind the judgments of the General Assembly upon questions of church government or discipline. The Presbytery, still further, in its said protest, declares this particular decision of the secular tribunal to be an encroachment on religious liberty, and a violation of the principle which determines the independence of the Church upon the State. Finally, the Presbytery declares that the ruling elders so attempted to be deprived of office are, before the law of this Church, still ruling elders therein, by a perfect ecclesiastical tenure.

And now the General Assembly declares its full approval of the fidelity of the Presbytery of Louisville in this whole matter. We unite with the Presbytery in protesting against this encroachment on the liberties of a free Church. We approve the judgment of the Presbytery declaring their brethren to be ruling elders of the Walnut street congregation, the decision of the secular court to the contrary notwithstanding; and we express our satisfaction in recognizing among the commissioners now sitting in this Assembly the person of one of these ruling elders.

The Assembly of 1867 carefully described and identified the Synod and the six Presbyteries in Kentucky which are in connection with the General Assembly of the Presbyterian Church in the United States of America. The present General Assembly deems it proper to reaffirm and declare anew at this time that the ecclesiastical position of this Synod and its Presbyteries remains as it was defined and settled by the last Assembly (see Minutes of 1867, etc.), and thus are declared to be the true and only Synod and Presbyteries in connection with the General Assembly of this Church in the State of Kentucky.

Still further, this Assembly expresses its sympathy with the churches in the Synod of Kentucky in the difficulties and trials into which they have

been brought by their adherence to the Presbyterian Church. We will aid them to the full extent of our ability in defending and protecting their church property. And we will encourage the people of God everywhere, under our charge, to contribute liberally to repair the pecuniary losses which may be sustained by their churches and schools of learning.

We counsel these brethren also, on the one hand, to yield a cheerful obedience to the laws of the land, even to the extent of taking "joyfully the spoiling of their goods." But, on the other hand, we counsel the courts of the Church to continue to administer the spiritual government of Christ's house which is in their hands, always disregarding the judgments of the secular tribunals on questions which belong to the spiritual jurisdiction alone. It is the constant faith of this Church that civil magistrates may not assume to themselves "the powers of the keys of the kingdom of heaven, or in the least interfere in matters of faith;" "and as Jesus Christ hath appointed a regular government and discipline in his Church, no law of any commonwealth should interfere with, let or hinder the due exercise thereof, among the voluntary members of any denomination of Christians, according to their own profession and belief." (Confession of Faith, chap. xxiii.)

The report was unanimously adopted.—1868, p. 652, O. S.

c. The report of the Committee on Bills and Overtures was amended and adopted, and is as follows:

The various Presbyteries of the Synod of Kentucky respectfully call the attention of the General Assembly to the judicial decisions accompanying this memorial, as follows:

The first is a decision of the court of appeals in the State of Kentucky, in which the right of the civil courts to review and reverse the proceedings and decisions of ecclesiastical courts on purely ecclesiastical matters is directly maintained, and in pursuance of which it is adjudged that three ruling elders, whose election and ordination was ordered by the Synod of Kentucky and confirmed by the General Assembly, were not ruling elders in the Presbyterian Church.

The second is a decision of the same court, in which the same superiority of the civil tribunals over the ecclesiastical is maintained, and in pursuance of which the deliverances of the General Assembly during the late war on loyalty, freedom, etc., are adjudged to be unconstitutional, in which its condemnation of the Declaration and Testimony is adjudged to be erroneous, and its dealings with the signers of that paper to be null and void.

The third is a decision of the circuit court of the United States, in which, in opposition to the decisions mentioned, it is decided that the civil courts are bound to respect and enforce the decisions of all ecclesiastical courts, particularly the General Assembly, on all purely ecclesiastical matters whatsoever.

From this last decision an appeal has been taken to the supreme court of the United States, and thus the rights and prerogatives of the General Assembly are placed in a posture where they must be determined by that court of last resort.

A case so directly involving the rights of the General Assembly, and so essentially determining the extent to which we shall be permitted to enjoy our religious liberties, ought not, in our judgment, to be left to the management of, nor should the expense fall solely upon, a single church.

We, therefore, respectfully request the General Assembly to take such action and to make such provision as will be necessary in order to a thorough vindication of its rights and prerogatives before that tribunal.

As an answer to this memorial the Committee on Bills and Overtures recommends the adoption of the following resolutions:

Resolved, 1. This General Assembly expresses its deepest sympathy for those churches in the bounds of the Synod of Kentucky which have become involved in expensive and harassing litigation while faithfully complying with the orders of the superior judicatories of the Church, and directs the Board of Domestic Missions and the Board of Church Extension to afford them all such assistance as it may be in their power to give.

Resolved, 2. While the General Assembly fully recognizes its obligation to be in subjection to the powers that be, yet, so long as anything can legally be done, it must not and will not remain silent and inactive when its own rights and liberties and the rights and liberties of the whole Church are put in peril by injurious decisions in the civil courts; it expresses gratification at the decision that has been rendered by the circuit court of the United States in the case referred to in the memorial, and it hereby appoints E. P. Humphrey, D. D., Edgar Needham and General John M. Harlan, of Louisville, Kentucky, a Committee to counsel and co-operate with the proper parties in the appeal which has been taken in this case to the supreme court of the United States, and for the necessary expenses of said case in the court from which and in the court to which it has been appealed, said Committee is authorized to draw on the Board of Publication for a sum not exceeding five thousand dollars.—1869, p. 942, O. S.

d. The report of the Committee was adopted, viz.:

Your Committee, therefore, ask the General Assembly to allow us to use the unexpended balance of the $5000 appropriation, that balance being $3000, for the purpose of amicably adjusting the Walnut street case; *provided*,

1. That the sum of $2000 shall be contributed by our brethren for this purpose; and,

2. That all the cases pending in any of the courts, involving the title to houses of worship or parsonages in Kentucky, shall be also amicably adjusted and settled. Such an adjustment would, we trust, exert a most salutary influence upon the cause of Christ and the welfare of the Presbyterian Church.—1870, p. 127.

e. Final Report—The Position of the General Assembly Sustained by the Supreme Court of the United States.

The Rev. George W. Musgrave, D. D., LL.D., in behalf of a Committee appointed by the General Assembly (O. S.) of 1868, on the case of the Walnut Street Church, Louisville, Ky., presented the following report, which was adopted, as follows:

The General Assembly of the O. S. branch of this Church, met in 1869, appropriated the sum of $5000 to aid the Walnut Street Church of Louisville, Ky., in asserting its property rights in the courts of the United States. One of the questions involved in that litigation was the question whether it is competent for the courts of law in this country to set aside or to revise the decisions of our church courts in matters that are purely ecclesiastical.

This grave issue led the General Assembly to take part in the case of the Walnut Street Church. A Committee was appointed to superintend the litigation. The Committee employed the Hon. John M. Harlan and the Hon. B. H. Bristow, both distinguished lawyers, to conduct the cause in our behalf. They have discharged their duty with great ability and fidelity.

The supreme court at Washington has, in a judgment lately rendered, upheld all the rights of property asserted by the Walnut Street Church; and what is of far more importance, that high court has fully sustained the doctrine for which the General Assembly has contended. In an elaborate written opinion the judges have held, for substance, that the courts of law must accept as final and conclusive the decisions of the General Assembly on questions purely ecclesiastical, and must give full effect to these decisions in settling the property rights of parties litigant.

The General Assembly will not be slow to appreciate the value of this opinion, in the protection which it affords to the liberties of a free church, and to the funds which may be entrusted to the Assembly and to its congregations for pious uses.

For this reason the Assembly is respectfully overtured to publish the opinion of the court at length, in the appendix to its minutes, and to order a faithful abstract thereof to be prepared and inserted in the forthcoming Digest.

The Board of Publication have promptly honored the drafts of the Committee to the full amount appropriated by the Assembly of 1869. A large part of this money has been expended in the payment of expenses incident to the litigation, leaving a moderate compensation for the labors of our legal counsel.

The Assembly are respectfully asked to accept this as our final report, and to discharge the Committee.

George Junkin, Esq., and W. J. McElroy, Esq., were appointed a Committee to prepare for publication in the new Digest an abstract of the decision of the supreme court of the United States referred to in the above report.—1872, p. 52.

[In accordance with the recommendation of the Committee (see 1873, p. 480), the entire report is given here as follows, viz.:]

LAW CASE.

DECISION OF THE UNITED STATES SUPREME COURT IN THE CASE OF THE WALNUT STREET PRESBYTERIAN CHURCH, LOUISVILLE, KY.

[PRINTED BY ORDER OF THE ASSEMBLY, 1873, p. 480.]

JOHN WATSON *et al. v.* WILLIAM A. JONES *et al.*

[1. Where the pendency of prior suit is set up to defeat another, the *case* must be the same; there must be the same parties, or at least such as represent the same interest; there must be the same rights asserted and the same relief prayed for.

2. Where the subject-matter of dispute is strictly and purely ecclesiastical in its character, a matter which concerns theological controversy, church discipline, ecclesiastical government, or the conformity of the members of the church to the standard of morals required of them, and the ecclesiastical courts claim jurisdiction, the civil courts will not assume jurisdiction; they will not even inquire into the right of jurisdiction of the ecclesiastical court.

3. A spiritual court is the exclusive judge of its own jurisdiction; its decision of that question is binding on the secular courts.]

Appeal from the Circuit Court of the United States for District of Kentucky.

Opinion by MILLER, J.

This case belongs to a class, happily rare in our courts, in which one of the parties to a controversy, essentially ecclesiastical, resorts to the judicial tribunals of the State for the maintenance of the rights which the Church has refused to acknowledge, or found itself unable to protect. Much as such dissensions among the members of a religious society should be regretted—a regret which is increased when, passing from the control of the judicial and legislative bodies of the entire organization to which the society belongs, an appeal is made to the secular authority—the courts when so called on must perform their functions as in other cases.

Religious organizations come before us in the same attitude as other voluntary associations for benevolent or charitable purposes, and their rights of property, or of contract, are equally under the protection of the law, and the actions of their members subject to its restraints. Conscious as we may be of the excited feeling engendered by this controversy, and of the extent to which it has agitated the intelligent and pious body of Christians in whose bosom it originated, we enter upon its consideration with the satisfaction of knowing that the principles on which we are to decide so much of it as is proper for our decision are those applicable alike to all of its class, and that our duty is the simple one of applying those principles to the facts before us.

It is a bill in chancery in the circuit court of the United States for the District of Kentucky, brought by William A. Jones, Mary J. Jones and Ellenor Lee, citizens of Indiana, against John Watson and others named, citizens of Kentucky, and against the trustees of the Third or Walnut Street Presbyterian Church, in Louisville, a corporation created by an act of the Legislature of that State. The trustees, McDougall, McPherson and Ashcraft, are also sued as citizens of Kentucky. Plaintiffs allege in their bill that they are members in good and regular standing of said church, attending its religious exercises under the pastorship of the Rev. John S. Hays, and that the defendants, George Fulton and Henry Farley, who claim without right to be trustees of the church, supported and recognized as such by the defendants, John Watson and Joseph Gault, who also without right claim to be ruling elders, are threatening, preparing and about to take unlawful possession of the house of worship and grounds belonging to the church, and to prevent Hays, who is the rightful pastor, from ministering therein, refusing to recognize him as pastor, and to recognize as ruling elder Thomas J. Hackney, who is the sole lawful ruling elder; and that, when they obtain such possession, they will oust Hays and Hackney and those who attend their ministrations, among whom are complainants.

And they further allege that Hackney, whose duty it is as elder, and McDougall, McPherson and Ashcraft, whose duty as trustees it is to protect the rights thus threatened, by such proceeding in the courts as will prevent the execution of the threats and designs of the other defendants, refuse to take any steps to that end.

They further allege that the Walnut Street Church, of which they are members, now forms, and has, ever since its organization in the year 1842, formed, a part of the Presbyterian Church in the United States of America, known as the Old School, which is governed by a written constitution that includes the Confession of Faith, Form of Government, Book of Discipline and Directory for Worship, and that the governing bodies of the general Church, above the Walnut Street Church, are, in successive order, the Presbytery of Louisville, the Synod of Kentucky and the General Assembly of the Presbyterian Church in the United States. That while plaintiffs and about one hundred and fifteen members who worship with them, and Mr. Hays, the pastor, Hackney, the ruling elder, and the trustees, McDougall, McPherson and Ashcraft, are now in full membership and relation with the lawful general Presbyterian Church aforesaid, the defendants named, with about thirty persons formerly members of said church, worshiping under one Dr. Yandell as pastor, have seceded and withdrawn themselves from said Walnut Street Church and from the general Presbyterian Church in the United States, and have voluntarily connected themselves with, and are now members of, another religious society, and that they have repudiated, and do now repudiate and renounce, the authority and jurisdiction of the various judicatories of the Presbyterian Church in the United States, and acknowledge and recognize the authority of other church judicatories which are disconnected from the Presbyterian Church in the United States and from the Walnut Street Church. And they allege that Watson and Gault have been, by order of the General Assembly of said church, dropped from the roll of elders of said church for having so withdrawn and renounced its jurisdiction, and the Assembly has declared the organization to which plaintiffs adhere to be the true and only Walnut Street Presbyterian Church of Louisville.

They pray for an injunction and for general relief.

The defendants, Hackney, McDougall, McPherson and Ashcraft, answer, admitting the allegations of the bill, and that, though requested, they had refused to prosecute legal proceedings in the matter.

The other defendants answer and deny almost every allegation in the bill. They claim to be lawful officers of the Walnut Street Presbyterian Church, and that they and those whom they represent are the true members of the church. They deny having withdrawn from the local or the general church, and deny that the action of the General Assembly cutting them off was within its constitutional authority. They say the plaintiffs are not, and never have been, lawfully admitted to membership in the Walnut Street Church, and have no such interest in it as will sustain this suit, and they

set up and rely upon a suit still pending in the chancery court of Louisville, which they say involves the same subject-matter, and is between the same parties in interest as the present suit. They allege that in that suit they have been decreed to be the only true and lawful trustees and elders of the Walnut Street Church, and an order has been made to place them in possession of the church property, which order remains unexecuted, and the property is still in the possession of the marshal of that court as its receiver. These facts are relied on in bar to the present suit.

This statement of the pleadings is indispensable to an understanding of the points arising in the case. So far as an examination of the evidence may be necessary, it will be made as it is required in the consideration of these points.

The first of these concerns the jurisdiction of the circuit court, which is denied; first, on the ground that the plaintiffs have no such interest in the subject of litigation as will enable them to maintain the suit, and, secondly, on matters arising out of the alleged proceedings in the suit in the chancery court of Louisville.

The allegation that plaintiffs are not lawful members of the Walnut Street Church is based upon the assumption that their admission as members was by a pastor and elders who had no lawful authority to act as such. As the claim of those elders to be such is one of the matters which this bill is brought to establish, and the denial of which makes an issue to be tried, it is obvious that the objection to the interest of plaintiffs must stand or fall with the decision on the merits, and cannot be decided as a preliminary question. Their right to have this question decided, if there is no other objection to the jurisdiction, cannot be doubted. Some attempt is made, in the answer, to question the good faith of their citizenship, but this seems to have been abandoned in the argument.

In regard to the suit in the chancery court of Louisville which the defendants allege to be pending, there can be no doubt but that court is one competent to entertain jurisdiction of all the matters set up in the present suit. As to those matters, and to the parties, it is a court of concurrent jurisdiction with the circuit court of the United States, and as between those courts the rule is applicable that the one which has first obtained jurisdiction in a given case must retain it exclusively until it disposes of it by a final judgment or decree.

But when the pendency of such a suit is set up to defeat another, the *case* must be the same. There must be the same parties, or at least such as represent the same interest, there must be the same rights asserted and the same relief prayed for. This relief must be founded on the same facts, and the title or essential basis of the relief sought must be the same.

The identity in these particulars should be such that, if the pending case had already been disposed of, it could be pleaded in bar as a former adjudication of the same matter between the same parties.

In the case of Barrow *v.* Kindred, 4 Wallace, 397, which was an action of ejectment, the plaintiff showed a good title to the land, and defendant relied on a former judgment in his favor, between the same parties for the same land, the statute of Illinois making a judgment in such an action as conclusive as in other personal actions, except by way of new trial. But this court held that, as in the second suit, plaintiff introduced and relied upon a new and different title, acquired since the first trial, that judgment could be no bar, because that title had not been passed upon by the court in the first suit.

But the principles which should govern in regard to the identity of the matters in issue in the two suits, to make the pendency of the one to defeat the other, are as fully discussed in the case of Buck *v.* Colbath, 3 Wallace, 334, where that was the main question, as in any case we have been able to find. It was an action of trespass, brought in a State court, against the marshal of the circuit court of the United States for seizing property of plaintiff, under a writ of attachment from the circuit court. And it was brought while the suit in the Federal court was still pending, and while the marshal held the property subject to its judgment. So far as the *lis pendens* and possession of the property in one court, and a suit brought for the taking by its officer in another, the analogy to the present case is very strong. In that case the court said: "It is not true that a court, having obtained jurisdiction of a subject-matter of suit, and of parties before it, thereby excludes all other courts from the right to adjudicate upon other matters having a very close connection with those before the first court, and in some instances requiring the decision of the same question exactly. In examining into the exclusive character of the jurisdiction in such cases, we must have regard to the nature of the remedies, the character of the relief sought, and the identity of the parties in the different suits." And it might have been added, to the facts on which the claim for relief is founded.

"A party," says the court by way of example, "having notes secured by a mort-

gage on real estate, may, unless restrained by statute, sue in a court of chancery to foreclose his mortgage, and in a court of law to recover a judgment on his note, and in another court of law in an action of ejectment for possession of the land. Here, in all the suits, the only question at issue may be the existence of the debt secured by the mortgage. But as the relief sought is different, and the mode of proceeding different, the jurisdiction of neither court is affected by the proceedings in the other." This opinion contains a critical review of the cases in this court of Hagan *v.* Lucas, 10 Peters, 402; Peck *v.* Jenness, 7 How., 624; Taylor *v.* Carry, 20 How., 594; and Freeman *v.* Howe, 24 How., 450, cited and relied on by counsel for appellants; and we are satisfied it states the doctrine correctly.

The limits which necessity assigns to this opinion forbid our giving at length the pleadings in the case in the Louisville chancery court. But we cannot better state what is and what is not the subject-matter of that suit or controversy, as thus presented and as shown throughout its course, than by adopting the language of the court of appeals of Kentucky, in its opinion delivered at the decision of that suit in favor of the present appellants. "As suggested in argument," says the court, "and apparently conceded on both sides, this is not a case of division or schism in a church, nor is there any question as to which of two bodies should be recognized as the Third or Walnut Street Presbyterian Church. Neither is there any controversy as to the authority of Watson and Gault to act as ruling elders, but the sole inquiry to which we are restricted in our opinion is whether Avery, McNaughton and Leech are also ruling elders, and therefore members of the session of the church."

The summary which we have already given of the pleadings in the present suit shows conclusively a different state of facts, different issues and a different relief sought. This *is* a case of division or schism in the church. It *is* a question as to which of two bodies shall be recognized as the Third or Walnut Street Presbyterian Church. There *is* a controversy as to the authority of Watson and Gault to act as ruling elders, that authority being denied in the bill of complainants, and so far from the claim of Avery, McNaughton and Leech to be ruling elders being the sole inquiry in this case, it is a very subordinate matter, and it depends upon facts and circumstances altogether different from those set up and relied on in the other suit, and which did not exist when it was brought. The issue here is no longer a mere question of eldership, but it is a separation of the original church members and officers into two distinct bodies, with distinct members and officers, each claiming to be the true Walnut Street Presbyterian Church, and denying the right of the other to any such claim.

This brief statement of the issues in the two suits leaves no room for argument to show that the pendency of the first cannot be pleaded either in bar or in abatement of the second.

The supplementary petition filed by plaintiffs in that case, after the decree of the chancery court had been reversed on appeal, and which did contain very much the same matter found in the present bill, was, on motion of plaintiff's counsel, and by order of the court, dismissed, without prejudice, before this suit was brought, and of course was not a *lis pendens* at that time.

It is contended, however, that the delivery, to the trustees and elders of the body of which plaintiffs are members, of the possession of the church building, cannot be granted in this suit, nor can the defendants be enjoined from taking possession as prayed in the bill, because the property is in the actual possession of the marshal of the Louisville chancery court as its receiver, and because there is an unexecuted decree of that court ordering the marshal to deliver the possession to defendants.

In this the counsel for appellants are, in our opinion, sustained, both by the law and the state of the record of the suit in that court.

The court, in the progress of that suit, made several orders concerning the use of the church, and finally placed it in the possession of the marshal as a receiver, and there is no order discharging his receivership; nor does it seem to us that there is any valid order finally disposing of the case so that it can be said to be no longer in that court. For though the chancery court did, on the 20th of March, 1867, after the reversal of the case in the court of appeals, enter an order reversing its former decree and dismissing the bill, with costs, in favor of the defendants, the latter, on application to the appellate court, obtained another order dated June 26th. By this order or mandate to the chancery court it was directed to render a judgment in conformity to the opinion and mandate of the court, restoring possession, use and control of the church property to the parties entitled thereto according to said opinion, and so far as they were deprived thereof by the marshal of the chancery court under its order.

In obedience to this mandate the chancery court, on the 18th of September, three months after the commencement of this suit, made an order that the marshal restore the possession, use and control of the church building to Henry Farley, George Ful-

ton, B. F. Avery, or a majority of them, as trustees, and to John Watson, Joseph Gault and Thomas J. Hackney, or a majority of them, as ruling elders, and to report how he had executed the order, and reserving the case for such further order as might be necessary to enforce full obedience.

It is argued here by counsel for appellees that the case was, in effect, disposed of by the order of the chancery court, and nothing remained to be done which could have any practical operation on the rights of the parties.

But if the court of appeals, in reversing the decree of the chancellor in favor of plaintiffs, was of opinion that the defendants should be restored to the position they occupied in regard to the possession and control of the property before that suit began, we have no doubt of their right to make such order as was necessary to effect that object; and as the proper mode of doing this was by directing the chancellor to make the necessary order and have it enforced as chancery decrees are enforced in his court, we are of opinion that the order of the court of appeals above recited was, in essence and effect, a decree in that cause for such restoration, and that the last order of the chancery court, made in accordance with it, is a valid subsisting decree, which, though final, is unexecuted.

The decisions of this court in the cases of Taylor *v.* Carryl, 20 How., 594, and Freeman *v.* Howe, 24 How., 450, and Burk *v.* Colbath, 5 Wallace, are conclusive that the marshal of the chancery court cannot be displaced as to the mere actual possession of the property, because that might lead to a personal conflict between the officers of the two courts for that possession. And the act of Congress of March 2d, 1793, 1 U. S. Statute, 334, § 5, as construed in the cases of Diggs *v.* Walcott, 4 Cranch, 129, and Peck *v.* Jenness, 7 How., 625, are equally conclusive against any injunction from the circuit court forbidding the defendants to take the possession which the unexecuted decree of the chancery court requires the marshal to deliver to them.

But though the prayer of the bill in this suit does ask for an injunction to restrain Watson, Gault, Fulton and Farley from taking possession, it also prays such other and further relief as the nature of the case requires, and especially that said defendants be restrained from interfering with Hays, as pastor, and plaintiffs in worshiping in said church. Under this prayer for general relief, if there was any decree which the circuit court could render for the protection of the right of plaintiffs, and which did not enjoin the defendants from taking possession of the church property, and which did not disturb the possession of the marshal of the Louisville chancery, that court had a right to hear the case and grant that relief. This leads us to inquire what is the nature and character of the possession to which those parties are to be restored.

One or two propositions, which seem to admit of no controversy, are proper to be noticed in this connection. 1. Both by the act of the Kentucky Legislature creating the trustees of the church a body corporate, and by the acknowledged rules of the Presbyterian Church, the trustees were the mere nominal title-holders and custodians of the church property, and other trustees were or could be elected by the congregation to supply their places once in every two years. 2. That in the use of the property for all religious services or ecclesiastical purposes, the trustees were under the control of the church session. 3. That by the constitution of all Presbyterian churches, the session, which is the governing body in each, is composed of the ruling elders and pastor, and in all business of the session a majority of its members govern, the number of elders for each congregation being variable.

The trustees obviously hold possession for the use of the persons who, by the constitution, usages and laws of the Presbyterian body, are entitled to that use. They are liable to removal by the congregation for whom they hold this trust, and others may be substituted in their places. They have no personal ownership or right beyond this, and are subject, in their official relations to the property, to the control of the session of the church.

The possession of the elders, though accompanied with larger and more efficient powers of control, is still a fiduciary possession. It is as a session of the church alone that they could exercise power. Except by an order of the session in regular meeting, they have no right to make any order concerning the use of the building, and any action of the session is necessarily in the character of representatives of the church body by whose members it was elected.

If, then, this true body of the church—the members of that congregation—having rights of user in the building, have, in a mode which is authorized by the canons of the general Church in this country, elected and installed other elders, it does not seem to us inconsistent or at variance with the nature of the possession which we have described, and which the chancery court orders to be restored to the defendants, that they should be compelled to recognize these rights, and permit those who are the real ben-

eficiaries of the trust held by them, to enjoy the uses, to protect which that trust was created. Undoubtedly, if the order of the chancery court had been executed, and the marshal had delivered the key of the church to defendants, and placed them in the same position they were before that suit was commenced, they could in any court having jurisdiction, and in a case properly made out, be compelled to respect the rights we have stated, and be controlled in their use of the possession by the court, so far as to secure those rights.

All that we have said, in regard to the possession which the marshal is directed to deliver to defendants, is equally applicable to the possession held by him pending the execution of that order. His possession is a substitute for theirs, and the order under which he receives that possession, which we have recited, shows this very clearly.

The decree which we are now reviewing seems to us to be carefully framed on this view of the matter. While the rights of plaintiffs and those whom they sue for are admitted and established, the defendants are still recognized as entitled to the possession which we have described; and while they are not enjoined from receiving that possession from the marshal, and he is not restrained from obeying the chancery court by delivering it, and while there is no order made on the marshal at all to interfere with his possession, the defendants are required by the decree to respect the rights of plaintiffs, and to so use the possession and control to which they may be restored as not to hinder or obstruct the true uses of the trust which that possession is intended to protect.

We are next to inquire whether the decree thus rendered is based upon an equally just view of the law as applied to the facts of this controversy. These, though making up a copious record of matter by no means pleasant reading to the sincere and thoughtful Christian philanthropist, may be stated with a reasonable brevity, so far as they bear upon the principles which must decide the case.

From the commencement of the late war of the insurrection to its close the General Assembly of the Presbyterian Church at its annual meetings expressed, in declaratory statements or resolutions, its sense of the obligation of all good citizens to support the Federal government in that struggle; and when, by the proclamation of President Lincoln, emancipation of the slaves of the States in insurrection was announced, that body also expressed views favorable to emancipation and adverse to the institution of slavery. And at its meeting in Pittsburg in May, 1865, instructions were given to the Presbyteries, the Board of Missions, and to the sessions of the churches, that when any persons from the Southern States should make application for employment as missionaries, or for admission as members or ministers of churches, inquiry should be made as to their sentiments in regard to loyalty to the government and on the subject of slavery; and if it was found that they had been guilty of voluntarily aiding the war of the rebellion, or held the doctrine announced by the large body of the churches in the insurrectionary States which had organized a new General Assembly that "the system of negro slavery in the South is a divine institution, and that it is the peculiar mission of the Southern Church to conserve that institution," they should be required to repent and forsake these sins before they could be received.

In the month of September thereafter, the Presbytery of Louisville, under whose immediate jurisdiction was the Walnut Street Church, adopted and published in pamphlet form what it called a "Declaration and Testimony against the erroneous and heretical doctrines and practices which have obtained and been propagated in the Presbyterian Church of the United States during the last five years." This declaration denounced, in the severest terms, the action of the General Assembly in the matters we have just mentioned, declared their intention to refuse to be governed by that action, and invited the co-operation of all members of the Presbyterian Church who shared the sentiments of the declaration in a concerted resistance to what they called the usurpation of authority by the Assembly.

It is useless to pursue the history of this controversy further with minuteness.

The General Assembly of 1866 denounced the Declaration and Testimony, and declared that every Presbytery which refused to obey its order should be *ipso facto* dissolved, and called to answer before the next General Assembly, giving the Louisville Presbytery an opportunity for repentance and conformity. The Louisville Presbytery divided, and the adherents of the Declaration and Testimony sought and obtained admission, in 1868, into "the Presbyterian Church of the Confederate States," of which we have already spoken as having several years previously withdrawn from the General Assembly of the United States and set up a new organization.

We cannot better state the results of these proceedings upon the relations of the church organizations and members, to each other and to this controversy, than in the language of the brief of appellants' counsel in this court.

In January, 1866, the congregation of the Walnut Street Church became divided

in the manner stated above, each claiming to constitute the church, although the issue as to membership was not distinctly made in the chancery suit of Avery *v.* Watson. Both parties at this time recognized the same superior church judicatories.

On the 19th of June, 1866, the Synod of Kentucky became divided, the opposing parties in each claiming to constitute respectively the true Presbytery and the true Synod, each meanwhile recognizing and claiming to adhere to the same General Assembly. Of these contesting bodies the appellants adhered to one, the appellees to the other.

On the 1st of June, 1867, the Presbytery and Synod recognized by the appellants were declared by the General Assembly to be "in no sense a true and lawful Synod and Presbytery in connection with and under the care and authority of the General Assembly of the Presbyterian Church in the United States of America," and were permanently excluded from connection with or representation in the Assembly. By the same resolution the Synod and Presbytery adhered to by appellees were declared to be the true and lawful Presbytery of Louisville and Synod of Kentucky.

The Synod of Kentucky, thus excluded, by a resolution adopted the 28th of June, 1867, declared "that in its future action it will be governed by this recognized sundering of all its relations to the aforesaid revolutionary body (the General Assembly) by the acts of that body itself." The Presbytery took substantially the same action.

In this final severance of Presbytery and Synod from the General Assembly, the appellants and appellees continued to adhere to those bodies at first recognized by them respectively.

In the earliest stages of this controversy it was found that a majority of the members of the Walnut Street Church concurred with the action of the General Assembly, while Watson and Gault as ruling elders, and Fulton and Farley as trustees, constituting, in each case, a majority of the session and of the trustees, with Mr. McElroy, the pastor, sympathized with the party of the declaration and testimony of the Louisville Presbytery. This led to efforts by each party to exclude the other from participation in the session of the church and the use of the property. This condition of affairs being brought before the Synod of Kentucky before any separation, that body appointed a commission to hold an election, by the members of the Walnut Street Church, of three additional ruling elders. Watson and Gault refused to open the church for the meeting to hold its election, but the majority of the members of the congregation, meeting on the sidewalk in front of the church, organized and elected Avery, Leech and McNaughton additional ruling elders, who, if lawful elders, constituted, with Mr. Hackney, a majority of the session. Gault and Watson, Farley and Fulton refused to recognize them as such, and hence the suit in the chancery court of Louisville, which turned exclusively on that question.

The newly-elected elders and the majority of the congregation have adhered to, and been recognized by, the General Assembly as the regular and lawful Walnut Street Church and officers, and Gault and Watson, Fulton, Farley and a minority of the members, have cast their fortunes with those who adhered to the declaration and testimony party.

The division and separation finally extended to the Presbytery of Louisville and the Synod of Kentucky. It is now complete and apparently irreconcilable, and we are called upon to declare the beneficial uses of the church property, in this condition of total separation between the members of what was once a united and harmonious congregation of the Presbyterian Church.

The questions which have come before the civil courts concerning the rights to property held by ecclesiastical bodies may, so far as we have been able to examine them, be profitably classified under three general heads, which, of course, do not include cases governed by considerations applicable to a Church established and supported by law as the religion of the State:

1. The first of these is when the property which is the subject of controversy has been, by the deed or will of the donor, or other instrument by which the property is held by the express terms of the instrument, devoted to the teaching, support or spread of some specific form of religious doctrine or belief.

2. The second is when the property is held by a religious congregation which, by the nature of its organization, is strictly independent of other ecclesiastical associations, and so far as church government is concerned owes no fealty or obligation to any higher authority.

3. The third is where the religious congregation or ecclesiastical body holding the property is but a subordinate member of some general Church organization, in which there are superior ecclesiastical tribunals, with a general and ultimate power of control, more or less complete, in some supreme judicatory, over the whole membership of that general organization.

In regard to the first of these classes, it seems hardly to admit of a rational doubt

that an individual or an association of individuals may dedicate property by way of trust to the purpose of sustaining, supporting and propagating definite religious doctrines or principles, provided that in doing so they violate no law of morality, and give to the instrument by which their purpose is evidenced the formalities which the laws require. And it would seem also to be the obvious duty of the court, in a case properly made, to see that the property so dedicated is not diverted from the trust which is thus attached to its use. So long as there are persons qualified within the meaning of the original dedication, and who are also willing to teach the doctrines or principles prescribed in the act of dedication, and so long as there is any one so interested in the execution of the trust as to have a standing in court, it must be that they can prevent the diversion of the property or fund to other and different uses. This is the general doctrine of courts of equity as to charities, and it seems equally applicable to ecclesiastical matters.

In such case, if the trust is confided to a religious congregation of the Independent or Congregational form of church government, it is not in the power of the majority of that congregation, however preponderant, by reason of a change of views on religious subjects, to carry the property so confided to them to the support of new and conflicting doctrine. A pious man, building and dedicating a house of worship to the sole and exclusive use of those who believe in the doctrine of the Holy Trinity, and placing it under the control of a congregation which at the time holds the same belief, has a right to expect that the law will prevent that property from being used as a means of support and dissemination of the Unitarian doctrine and as a place of Unitarian worship. Nor is the principle varied when the organization to which the trust is confided is of the second or associated form of church government. The protection which the law throws around the trust is the same.

And though the task may be a delicate one and a difficult one, it will be the duty of the court in such cases, when the doctrine to be taught or the form of worship to be used is definitely and clearly laid down, to inquire whether the party accused of violating the trust is holding or teaching a different doctrine or using a form of worship which is so far variant as to defeat the declared objects of the trust. In the leading case on this subject in the English courts, of the Attorney General *v.* Pearson, 3 Merrivale, 353, Lord Eldon said, "I agree with the defendants that the religious belief of the parties is irrelevant to the matters in dispute, except so far as the king's court is called upon to execute the trust." This was a case in which the trust deed declared the house which was erected under it was for the worship and service of God. And though we may not be satisfied with the very artificial and elaborate argument by which the chancellor arrives at the conclusion—that because any other view of the nature of the Godhead than the Trinitarian view was heresy by the laws of England, and any one giving expression to the Unitarian view was liable to be severely punished for heresy by the secular courts, at the time the deed was made, that the trust was, therefore, for Trinitarian worship—we may still accept the statement that the court has the right to enforce a trust clearly defined on such a subject.

The case of Miller *v.* Gable, 2 Denio, 492, appears to have been decided in the court of errors of New York on this principle, so far as any ground of decision can be gathered from the opinions of the majority of the court as reported.

The second class of cases which we have described has reference to the case of a church of a strictly congregational or independent organization, governed solely within itself, either by a majority of its members or by such other local organism as it may have instituted for the purpose of ecclesiastical government; and to property held by such a church, either by way of purchase or donation, with no other specific trust attached to it in the hands of the church, than that it is for the use of that congregation as a religious society.

In such cases, where there is a schism which leads to a separation into distinct and conflicting bodies, the rights of such bodies to the use of the property must be determined by the ordinary principles which govern voluntary associations. If the principle of government in such cases is that the majority rules, then the numerical majority of members must control the right to the use of the property. If there be within the congregation officers in whom are vested the powers of such control, then those who adhere to the acknowledged organism by which the body is governed are entitled to the use of the property.

The minority, in choosing to separate themselves into a distinct body, and refusing to recognize the authority of the governing body, can claim no rights in the property from the fact that they had once been members of the church or congregation.

This ruling admits of no inquiry into the existing religious opinions of those who comprise the legal or regular organization; for if such was permitted, a very small minority, without any officers of the church among them, might be found to be the

only faithful supporters of the religious dogmas of the founders of the church. There being no such trust imposed upon the property when purchased or given, the court will not imply one for the purpose of expelling from its use those who, by regular succession and order, constitute the church, because they may have changed in some respect their views of religious truth.

Of the cases in which this doctrine is applied, no better representative can be found than that of Shannon *v.* Frost, 3 B. Monro, 253, where the principle is ably supported by the learned chief justice of the court of appeals of Kentucky.

The case of Smith *v.* Nelson, 18 Verm., 511, asserts this doctrine in a case where a legacy was left to the associate congregation of Ryegate, the interest whereof was to be annually paid to their minister for ever. In that case, though the Ryegate congregation was one of a number of Presbyterian churches connected with the general Presbyterian body at large, the court held that the only inquiry was whether the society still exists, and whether they have a minister chosen and appointed by the majority and regularly ordained over the society, agreeably to the usage of that denomination.

And though we may be of opinion that the doctrine of that case needs modification so far as it discusses the relation of the Ryegate congregation to the other judicatories of the body to which it belongs, it certainly lays down the principle correctly if that congregation was to be treated as an independent one.

But the third of these classes of cases is the one which is oftenest found in the courts, and which, with reference to the number and difficulty of the questions involved and to other considerations, is every way the most important.

It is the case of property acquired in any of the usual modes for the general use of a religious congregation which is itself part of a large and general organization of some religious denomination, with which it is more or less intimately connected by religious views and ecclesiastical government.

The case before us is one of this class, growing out of a schism which has divided the congregation and its officers and the Presbytery and Synod, and which appeals to the courts to determine the right to the use of the property so acquired. Here is no case of property devoted for ever by the instrument which conveyed it, or by any specific declaration of its owner, to the support of any special religious dogmas or any peculiar form of worship, but of property purchased for the use of a religious congregation; and so long as any existing religious congregation can be ascertained to be that congregation or its regular and legitimate successor, it is entitled to the use of the property. In the case of an independent congregation, we have pointed out how this identity or succession is to be ascertained, but in cases of this character we are bound to look at the fact that the local congregation is itself but a member of a much larger and more important religious organization, and is under its government and control, and is bound by its orders and judgments. There are in the Presbyterian system of ecclesiastical government, in regular succession, the Presbytery over the session or local church, the Synod over the Presbytery, and the General Assembly over all. These are called, in the language of the Church organs, judicatories, and they entertain appeals from the decisions of those below, and prescribe corrective measures in other cases.

In this class of cases we think the rule of action which should govern the civil courts, founded in a broad and sound view of the relations of Church and State under our system of laws, and supported by a preponderating weight of judicial authority, is that, whenever the questions of discipline or of faith or ecclesiastical rule, custom or law, have been decided by the highest of these church judicatories to which the matter has been carried, the legal tribunals must accept such decisions as final, and as binding on them in their application to the case before them.

We concede at the outset that the doctrine of the English courts is otherwise. In the case of the attorney general against Pearson, cited before, the proposition is laid down by Lord Eldon and sustained by the peers that it is the duty of the court in such cases to inquire and decide for itself not only what was the nature and power of these church judicatories, but what is the true standard of faith in the church organization, and which of the contending parties before the court holds to this standard. And in the subsequent case of Craigdallie *v.* Aikman, 2 Bligh, 529, the same learned judge expresses in strong terms his chagrin that the court of sessions of Scotland, from which the case had been appealed, had failed to find on this latter subject, so that he could rest the case on religious belief, but had declared that in this matter there was no difference between the parties.

And we can very well understand how the lord chancellor of England, who is, in his office, in a large sense, the head and representative of the Established Church, who controls very largely the Church patronage, and whose judicial decision may be, and

not infrequently is, invoked in cases of heresy and ecclesiastical contumacy, should feel, even in dealing with a dissenting church, but little delicacy in grappling with the most abstruse problems of theological controversy, or in construing the instruments which those churches have adopted as their rules of government, or inquiring into their customs and usages. The dissenting church in England is not a free church, in the sense in which we apply the term in this country; and it was much less free in Lord Eldon's time than now. Laws then existed upon the statute-book hampering the free exercise of religious belief and worship in many most oppressive forms; and though Protestant dissenters were less burdened than Catholics and Jews, there did not exist that full, entire and practical freedom for all forms of religious belief and practice which lies at the foundation of our political principles. And it is quite obvious, from an examination of the series of cases growing out of the organization of the Free Church of Scotland, found in Shaw's reports of cases in the court of sessions, that it was only under the pressure of Lord Eldon's ruling, established in the House of Lords, to which final appeal lay in such cases, that the doctrine was established in the court of sessions after no little struggle and resistance.

The full history of the case of Craigdallie *v.* Aikman in the Scottish court, which we cannot further pursue, and the able opinion of Lord Meadowbank in Galbraith *v.* Smith, 15 Shaw, 808, show this conclusively.

In this country the full and free right to entertain any religious belief, to practice any religious principle, and to teach any religious doctrine which does not violate the laws of morality and property, and which does not infringe personal rights, is conceded to all. The law knows no heresy, and is committed to the support of no dogma, the establishment of no sect. The right to organize voluntary religious associations, to assist in the expression and dissemination of any religious doctrine, and to create tribunals for the decision of controverted questions of faith within the association, and for the ecclesiastical government of all the individual members, congregations and officers within the general association, is unquestioned. All who unite themselves to such a body do so with an implied consent to this government, and are bound to submit to it. But it would be a vain consent, and would lead to the total subversion of such religious bodies, if any one aggrieved by one of their decisions could appeal to the secular courts and have them reversed. It is of the essence of these religious unions, and of their right to establish tribunals for the decision of questions arising among themselves, that those decisions should be binding in all cases of ecclesiastical cognizance, subject only to such appeals as the organism itself provides for.

Nor do we see that justice would be likely to be promoted by submitting those decisions to review in the ordinary judicial tribunal. Each of these large and influential bodies (to mention no others, let reference be had to the Protestant Episcopal, the Methodist Episcopal and the Presbyterian Churches) has a body of constitutional and ecclesiastical law of its own, to be found in their written organic laws, their books of discipline, in their collections of precedents, in their usage and customs, which as to each constitute a system of ecclesiastical law and religious faith that tasks the ablest minds to become familiar with. It is not to be supposed that the judges of the civil courts can be as competent in the ecclesiastical law and religious faith of all these bodies as the ablest men in each are in reference to their own. It would, therefore, be an appeal from the more learned tribunal in the law which should decide the case to one which is less so.

We have said that these views are supported by the preponderant weight of authority in this country; and for the reasons which we have given, we do not think the doctrines of the English chancery court on this subject should have with us the influence which we would cheerfully accord to it on others.

We have already cited the case of Shannon *v.* Frost, 3 Ben. Monro, in which the appellate court of the State, where this controversy originated, sustains the proposition clearly and fully. "This court," says the chief justice, "having no ecclesiastical jurisdiction, cannot revise or question ordinary acts of church discipline. Our only judicial power in the case arises from the conflicting claims of the parties to the church property and the use of it. We cannot decide who ought to be members of the church, nor whether the excommunicated have been justly or unjustly, regularly or irregularly, cut off from the body of the church."

In the subsequent case of Gibson *v.* Armstrong, 7 B. Monro, 481, which arose out of the general division of the Methodist Episcopal Church, we understand the same principles to be laid down as governing that case; and in the case of Watson *v.* Avery, 2 Bush., 332, the case relied on by appellants as a bar, and considered in the former part of this opinion, the doctrine of Shannon *v.* Frost is in general terms conceded, while a distinction is attempted which we shall consider hereafter.

One of the most careful and well-considered judgments on the subject is that of the

court of appeals of South Carolina, delivered by Chancellor Johnson, in the case of Harmon *v.* Dreher, 2 Speer's Eq., 87. The case turned upon certain rights in the use of the church property claimed by the minister, notwithstanding his expulsion from the synod as one of its members.

"He stands," says the chancellor, "convicted of the offences alleged against him, by the sentence of the spiritual body of which he was a voluntary member, and by whose proceedings he had bound himself to abide. It belongs not to the civil power to enter into or review the proceedings of a spiritual court. The structure of our government has, for the preservation of civil liberty, rescued the temporal institutions from religious interference. On the other hand, it has secured religious liberty from the invasion of the civil authority. The judgments, therefore, of religious associations bearing on their own members are not examinable here, and I am not to inquire whether the doctrines attributed to Mr. Dreher were held by him, or whether if held were anti-Lutheran, or whether his conduct was or was not in accordance with the duty he owed to the Synod or to his denomination. . . . When a civil right depends upon an ecclesiastical matter, it is the civil court, and not the ecclesiastical, which is to decide. But the civil tribunal tries the civil right and no more, taking the ecclesiastical decisions out of which the civil right arises as it finds them." The principle is reaffirmed by the same court in the John's Island Church case, 2 Richardson Eq., 215.

In Den *v.* Bolton, 7 Halstead, 206, the supreme court of New Jersey asserts the same principles; and though founding its decision mainly on a statute, it is said to be true on general principles.

The supreme court of Illinois in the case of Ferraria *v.* Vaucancelles, 25 Ill., 456, refers to the case of Shannon *v.* Frost, 3 B. Monro, with approval, and adopts the language of the court, that "the judicial eye cannot penetrate the veil of the Church for the forbidden purpose of vindicating the alleged wrongs of excised members: when they became members, they did so upon the condition of continuing or not as they and their churches might determine, and they thereby submit to the ecclesiastical power, and cannot now invoke the supervisory power of the civil tribunals."

In the very important case of Chase *v.* Cheny, recently decided in the same court, Judge Lawrence, who dissented, says, we understand the opinion as implying that in the administration of ecclesiastical discipline, and where no other right of property is involved than loss of the clerical office or salary incident to such discipline, a spiritual court is the exclusive judge of its own jurisdiction, and that its decision of that question is binding on the secular courts. And he dissents with Judge Sheldon from the opinion because it so holds.

In the case of Watson *v.* Farris, 45 Missouri, 183, which was a case growing out of the schism in the Presbyterian Church in Missouri in regard to this same declaration and testimony and the action of the General Assembly, that court held that whether a case was regularly or irregularly before the Assembly was a question which the Assembly had the right to determine for itself, and no civil court could reverse, modify or impair its action in a matter of merely ecclesiastical concern.

We cannot better close this review of the authorities than in the language of the supreme court of Pennsylvania in the case of the German Reformed Church *v.* Siebert, 5 Barr, 291: "The decisions of ecclesiastical courts, like every other judicial tribunal, are final, as they are the best judges of what constitutes an offence against the word of God and the discipline of the Church. Any other than those courts must be incompetent judges of matters of faith, discipline and doctrine; and civil courts, if they should be so unwise as to attempt to supervise their judgments on matters which come within their jurisdiction, would only involve themselves in a sea of uncertainty and doubt which would do anything but improve either religion or good morals."

In the subsequent case of McGinnis *v.* Watson, 41 Penn. Stat., 21, this principle is again applied and supported by a more elaborate argument.

The court of appeals of Kentucky, in the case of Watson *v.* Avery, before referred to, while admitting the general principle here laid down, maintains that when a decision of an ecclesiastical tribunal is set up in the civil courts it is always open to inquiry whether the tribunal acted within its jurisdiction; and if it did not, its decisions could not be conclusive.

There is, perhaps, no word in legal terminology so frequently used as the word jurisdiction, so capable of use in a general and vague sense, and which is used so often by men learned in the law without a due regard to precision in its application. As regards its use in the matters we have been discussing, it may very well be conceded that if the General Assembly of the Presbyterian Church should undertake to try one of its members for murder, and punish him with death or imprisonment, its sentence would be of no validity in a civil court or anywhere else. Or if it should, at the instance of one of its members, entertain jurisdiction as between him and another

member as to their individual right to property, real or personal, the right in no sense depending on ecclesiastical questions, its decisions would be utterly disregarded by any civil court where it might be set up, and it might be said, in a certain general sense very justly, that it was because the General Assembly had no jurisdiction in the case. Illustrations of this character could be multiplied in which the proposition of the Kentucky court would be strictly applicable.

But it is a very different thing where a subject-matter of dispute strictly and purely ecclesiastical in its character—a matter over which the civil courts exercise no jurisdiction—a matter which concerns theological controversy, church discipline, ecclesiastical government or the conformity of the members of the church to the standard of morals required of them—becomes the subject of its action. It may be said here, also, that no jurisdiction has been conferred on the tribunal to try the particular case before it, or that in its judgment it exceeds the powers conferred upon it, or that the laws of the Church do not authorize the particular form of proceeding adopted; and in a sense often used in the courts, all of those may be said to be questions of jurisdiction. But it is easy to see that if the civil courts are to inquire into all these matters, the whole subject of the doctrinal theology, the usages and customs, the written laws and fundamental organization of every religious denomination, may and must be examined into with minuteness and care, for they would become in almost every case the *criteria* by which the validity of the ecclesiastical decree would be determined in the civil court. This principle would deprive these bodies of the right of construing their own church laws, would open the way to all the evils which we have depicted as attendant upon the doctrine of Lord Eldon, and would, in effect, transfer to the civil courts, where property rights were concerned, the decision of all ecclesiastical questions.

And this is precisely what the court of appeals of Kentucky did in the case of Watson *v.* Avery. Under cover of inquiries into the jurisdiction of the Synod and Presbytery over the congregation, and of the General Assembly over all, it went into an elaborate examination of the principles of Presbyterian Church government, and ended by overruling the decision of the highest judicatory of that Church in the United States both on the jurisdiction and the merits, and substituting its own judgment for that of the ecclesiastical court, decides that ruling elders, declared to be such by that tribunal, are not such, and must not be recognized by the congregation, though four-fifths of its members believe in the judgment of the Assembly and desire to conform to its decree.

But we need pursue this subject no further. Whatever may have been the case before the Kentucky court, the appellants, in the case presented to us, have separated themselves wholly from the church organization to which they belonged when this controversy commenced. They now deny its authority, denounce its action and refuse to abide by its judgments. They have first erected themselves into a new organization, and have since joined themselves to another totally different, if not hostile, to the one to which they belonged when the difficulty first began. Under any of the decisions which we have examined, the appellants in their present position have no right to the property, or to the use of it, which is the subject of this suit.

The novelty of the questions presented to this court for the first time, their intrinsic importance and far-reaching influence, and the knowledge that the schism in which the case originated has divided the Presbyterian churches throughout Kentucky and Missouri, have seemed to us to justify the careful and laborious examination and discussion which we have made of the principles which should govern the case.

For the same reasons we have held it under advisement for a year, not uninfluenced by the hope that, since the civil commotion which evidently lay at the foundation of the trouble has passed away, that charity which is so large an element in the faith of both parties, and which, by one of the apostles of that religion, is said to be the greatest of all the Christian virtues, would have brought about a reconciliation.

But we have been disappointed. It is not for us to determine or apportion the moral responsibility which attaches to the parties for this result. We can only pronounce the judgment of the law as applicable to the case presented to us, and that requires us to affirm the decree of the circuit court as it stands.

The chief justice did not sit on the argument of this case, and took no part in its decision.—1872, pp. 177–190.

II. OF ERECTING NEW SYNODS, ALTERING THEIR BOUNDS, ETC.

a. [See minutes *passim*, and especially 1870, pp. 86–88 (*supra*, xi., 1), where the Assembly exercised the power to "consolidate, adjust and define the boundaries of the Synods." Synod of Colorado erected.—1871, p. 547.

b. Boundaries changed.—1871, pp. 540, 541, 545, 546; 1872, pp. 86, 88 (*supra*, xi., sec. i. 3).

c. Churches transferred.—1803, p. 279; 1810, p. 440, and *passim.*]

d. To dissolve a Synod and transfer its Presbyteries.

[The *Synod of Chesapeake* was formed on petition.—1833, p. 395.]

Resolved, 1. That the Synod of the Chesapeake be and the same is hereby dissolved.

2. That the Presbytery of East Hanover be and the same is hereby restored to the Synod of Virginia.

3. That the Presbyteries of Baltimore and of the District of Columbia be and the same are hereby restored to the Synod of Philadelphia.—1834, p. 451.

e. The Synod of Delaware [*Erected.*—1834, p. 451.] *Dissolved.*

Resolved, That at and after the meeting of the Synod of Philadelphia in October next the Synod of Delaware shall be dissolved, and the Presbyteries constituting the same shall be then and thereafter annexed to the Synod of Philadelphia, and that the Synod of Philadelphia thus constituted by the union aforesaid shall take such order concerning the organization of its several Presbyteries as may be deemed expedient and constitutional, and that said Synod, if it shall deem it desirable, make application to the next General Assembly for such a division of the Synod as may best suit the convenience of all its Presbyteries and promote the glory of God.—1835, p. 486.

III. OF ERECTING, MODIFYING, CHANGING, DISSOLVING PRESBYTERIES.

a. [See the act of the General Synod (*supra*, chap. i., 1786, p. 522). It assumed jurisdiction over the whole matter of dividing, erecting, etc. The Presbytery of *Carlisle* was divided, and the Presbytery of *Huntingdon* formed on "an overture through the Synod of Philadelphia."—1794, p. 89.]

b. On petition of the Presbytery of *Albany*, that Presbytery was divided, and the Presbyteries of *Columbia*, *Oneida* and *Albany* formed. At the same time the following was adopted, viz.:

Whereas, The Assembly have this day determined, upon an application from the Presbytery of Albany, that the said Presbytery may be divided into three, and in the investigation of this subject circumstances were stated to exist which led the Assembly to judge such division proper, and perhaps necessary, at this time;

And *whereas*, Doubts arose whether it was proper for the Assembly to interfere for the purpose of making such division, the proposal not having been first laid before the Synod, as it would establish a precedent which might tend to confusion and in the end to schism; the Assembly think it expedient to declare that their decision in this case has been particularly influenced by the pressure of circumstances, and is not to be considered as forming a precedent for future conduct.—1802, p. 252.

c. On petition of the Presbytery of *Oneida* it was divided, and the Presbytery of *Geneva* formed.—1805, p. 324. On application of cer-

tain ministers and churches in the Territory of Michigan, the Presbytery of *Detroit* was formed.—1827, p. 206. *Chenango.*—1826, p. 176.

d. Philadelphia Second (Assembly's). The Synod of Philadelphia having merged the two Presbyteries of Philadelphia, and divided them by a line, an appeal was taken.

Resolved, 1. That the appeal and complaint of the Second Presbytery of Philadelphia against the Synod of Philadelphia be and the same are hereby sustained, and the act of said Synod, so far as it was intended to unite the said Second Presbytery with the Presbytery of Philadelphia, is hereby declared void.

2. That this resolution shall not be so construed as to affect the integrity of the Presbytery which was constituted under the order of the Synod of Philadelphia by the name of the Second Presbytery of Philadelphia in November last, but the same is hereby recognized as a constituent part of the Synod of Philadelphia. The Assembly, however, recommend to the Synod to change the name of said Presbytery.—1834, p. 432.

[Against the action of the Assembly a protest was entered, viz.:]

We believe the power exercised by the General Assembly of 1832, and now re-exercised by this Assembly, to form a Presbytery within the bounds of the Synod and against her decision, is without foundation in our Form of Church Government.

In the constitutional distribution of powers and checks and designation of rights and duties among the several judicatories of the Church, the power to "erect new Presbyteries, and unite or divide those which were before erected" (Form of Government, chap. xi., sec. iv.), is distinctly and exclusively secured to Synods. And the practice of the General Assembly, from the establishment of this body till the present, has been, we believe, in accordance with these views. The principle assumed by the majority in this body and recognized by the Assembly in the above decision, and on which the appellants rest their plea, that the duty "of superintending the concerns of the whole Church" (Form of Government, chap. xii., sec. v.) invests the Assembly with all powers necessary to accomplish that object, at her own discretion, tends to abolish the constitutional rights of Synods, Presbyteries and church sessions, to confound and contravene those original and essential principles of ecclesiastical government and order which constitute and characterize the Presbyterian Church.—1834, p. 446.

[To this the Assembly replies:]

1. That the Form of Government vests in the General Assembly the power of "deciding in all controversies respecting doctrine and discipline," and to "issue all appeals and references brought before them from the inferior judicatories."—See Form of Government, chap. xii., sec. v. Now, as the question as to the erection and existence of the Second Presbytery of Philadelphia came regularly before the Assemblies of 1832 and 1834, by appeal and complaint from the lower judicatories, the said Assemblies not only had a right to "decide" finally, but were imperiously called upon to "issue" the case.

2. The minutes of the General Assembly for 1794, 1802, 1805 and 1826 show that the Assembly has in extraordinary cases claimed and exercised the right of organizing new Presbyteries, and such Presbyteries have always been regarded as regularly and constitutionally organized.

3. The Form of Government vests the right of deciding questions of constitutional law, not in the Synods, but in the General Assembly; consequently, if it be proved, which is not the fact, that the General Assembly has exceeded their powers in organizing the Second Presbytery of Philadelphia, it would by no means follow that the Synod of Philadelphia had authority to rejudge and disannul the solemn acts of the highest judicatory of the Church. In this view of the subject, the General Assembly were bound to sustain the appeal and complaint of the Second Presbytery,

from respect to the grave decision of former Assemblies, as well as from regard to the rights of the complainants.—1834, p. 451.

e. The Third Presbytery of Philadelphia.—1836, p. 278.

f. The Presbytery of *Luzerne* was formed by the Assembly.—1843, p. 195, O. S.

g. The Presbytery of *Wisconsin.*—1846, p. 194, O. S. In this case the Assembly directed "that upon their organization the ministers aforesaid be *ipso facto* detached from the Presbyteries to which now they respectively belong."

h. Resolved, That the Rev. Messrs. M. S. Culbertson, of the Presbytery of Carlisle, A. W. Loomis, of the Presbytery of Albany, R. Q. Way, of the Presbytery of Charleston, and J. W. Quarterman, of the Presbytery of Georgia, be and they hereby are detached from their respective Presbyteries and constituted a Presbytery, to be called the Presbytery of Ningpo.

That the Rev. A. P. Happer and William Speer, of the Presbytery of Ohio, and the Rev. John B. French, of the Presbytery of Baltimore, be and they hereby are detached from their respective Presbyteries and constituted a Presbytery to be called by such name as those brethren may choose.

And that the Rev. John Loyd, of the Presbytery of Huntingdon, and Hugh S. Brown, of the Presbytery of Logansport, so soon as a third minister of our Church shall be associated with them, be authorized to form themselves into a Presbytery, to be called the Presbytery of Amoy, and shall *ipso facto* be detached from the respective Presbyteries with which until then they shall be connected.

Resolved, That the foregoing new Presbyteries shall meet for the purpose of being organized at such times and places as the members thereof shall respectively agree on, and that the eldest minister of each who may be present shall preside until a moderator be chosen.

Resolved, That the aforesaid Presbyteries be rated for the present as component parts of the Synod of New York, but that as soon as the Presbytery of Amoy shall be organized, the three Presbyteries in China shall be authorized to form themselves into a Synod, to be called the Synod of China; that they meet for the purpose of being organized at such time and place as they shall mutually agree upon, and that the eldest minister who may be present shall preside until a moderator be chosen.

Resolved, That the Rev. James M. Connelly, of the Presbytery of West Tennessee, James M. Priest, of the Presbytery of New York, and the Rev. H. W. Ellis, of the Presbytery of Tuscaloosa, be and they hereby are detached from their respective Presbyteries and constituted a Presbytery, to be called the Presbytery of Western Africa; that they shall meet for the purpose of being organized at such time and place as they shall mutually agree upon, and that the eldest minister present shall preside until a moderator be chosen. And further, that the Presbytery of Western Africa shall be attached for the present to the Synod of Alabama.

Resolved, That the Rev. R. M. Loughridge, of the Presbytery of Tuscaloosa, H. Ballentine, of the Presbytery of New Brunswick, and D. W. Eakins, of the Presbytery of Philadelphia, be and they hereby are detached from their respective Presbyteries and constituted a Presbytery, to be called the Presbytery of the Creek Nation; that they shall meet for the purpose of being organized at such time and place as they shall mutually agree upon, and that the eldest minister present shall preside until a moderator be chosen. And further, that the Presbytery of the Creek

Nation be attached for the present to the Synod of Mississippi.—1848, pp. 20, 21, O. S.

i. Presbytery of *California.*—1849, p. 264, O. S. Presbytery of *San Francisco.*—1849, p. 176, N. S. The persons named are hereby detached from their respective Presbyteries and constituted a Presbytery.

Resolved, That the Assembly do hereby order and constitute a Presbytery in Oregon, consisting of Messrs. Thompson, Geary and Robe; and that they be empowered to assemble and constitute themselves a Presbytery, at such time and place during the ensuing summer or autumn as may be found most convenient to them, and report to the next General Assembly, and for this purpose these brethren be detached from the Presbytery to which they belong, and when formed, the said Presbytery be attached to the Synod of New York; and the Presbytery to be called the Presbytery of *Oregon.*—1851, p. 35, O. S.

Presbyteries of *Sierra Nevada* and *San José.*—1857, p. 383, N. S., and *passim.*

j. Since the Reunion. The Presbytery of *Yedo*—1870, p. 71; of *Wyoming*—1871, p. 546; *Montana*—1872, p. 88.

2. To Transfer Churches from one Presbytery and Synod to Another.

A petition from the congregation of Solesbury, under the care of the Presbytery of Philadelphia, referred to the Assembly by said Presbytery, was overtured and read. This petition requested that the congregation of Solesbury be separated from the Presbytery of Philadelphia and attached to the Presbytery of New Brunswick. This request having previously been before the Synod of Philadelphia, and having been referred to the Presbytery by the Synod, and the Presbytery having given their consent, it was resolved that the request be granted, and it hereby is granted, and the congregation of Solesbury is detached from the Presbytery of Philadelphia, and connected with the Presbytery of New Brunswick.—1824, p. 105.

See also 1827, p. 201, 202, 205; 1829, p. 260; 1831, p. 324; 1868, p. 633, O. S., *et passim.* See also under chap. xi., sec. i., 4, for changes since the Reunion.—1871, p. 540, 541, 545, 546; 1872, p. 86, 88; 1873, p. 525.

3. To Transfer Ministers from one Presbytery to Another, or to a New one.

See *a*, above, also *f* and *h*.

a. There being no quorum of Presbytery.—1858, p. 268, 280, O. S.

b. In forming new Presbyteries or Synods, see above, *h*. Also The Enabling Act of 1870, chap. ix., sec. ii., 8.—1872, p. 94.

4. To Receive other Ecclesiastical Bodies.

a. The Presbytery of *Suffolk*—1749, p. 238; of *Dutchess County*—1763, p. 330. See Baird's Revised Edition, p. 562.

b. The Presbytery of *Charleston.*

Resolved, That the prayer of the petition be granted, and that said Presbytery, retaining their name and their character of incorporation, be and they hereby are taken into connection with the General Assembly; provided, however, that the members of said Presbytery shall have adopted the Confession of Faith and the Constitution of the Presbyterian Church in the United States of America, and shall also effect a compro-

mise or union with the Presbytery of Harmony, which transaction shall be subject to the review and control of the Synod of the Carolinas.—1811, p. 475.

c. The Associate Reformed Synod.—1822, pp. 39–42. See Baird, p. 565–569.

d. Presbytery of Pittsburg of the Reformed Presbyterian Church.

The same Committee also reported an application from the Presbytery of Pittsburg, of the Reformed Presbyterian Church, to unite as a Presbytery with the General Assembly of the Presbyterian Church, and to become subject to the jurisdiction of this body, on the simple condition of being allowed to remain, as they are still attached to the great principles of the Reformation, without being disturbed in their time-honored modes of worship and economical usages generally.

On the recommendation of the Committee the request was granted.

The Committee also recommended that the Presbytery of Pittsburg be attached to the Synod of Allegheny, and that Rev. John McMillan be enrolled as a member of this General Assembly as a delegate from that Presbytery.

Which was adopted.—1870, p. 30.

5. To Define the Succession of Presbyteries.

Overture No. 7, from the Presbytery of Chester, respecting the succession to the late Presbytery of New Castle: The Committee report that the Synod of Philadelphia, in its reconstruction of Presbyteries, declared that the Presbytery of Chester was the legal successor of the late Presbytery of New Castle, and that the Synod of Baltimore also declared that its present Presbytery of New Castle was the legal successor of the old organization. It appears, however, that the ministers and churches of the old Presbytery are equally divided between the present Presbyteries of New Castle and Chester, and so neither is entitled to the succession. The Committee think that as the present Presbytery of New Castle has the name of the late organization, the town where the first organization was made, the chief part of the original territory, early history and associations and a valuable charter from the State of Delaware, under which some property is now held, it should, also, have the succession, and the following resolution is, therefore, recommended:

Resolved, That the Presbytery of New Castle, in the Synod of Baltimore, be and the same is hereby declared to be the legal successor of the late Presbytery of New Castle, and as such is entitled to the possession and enjoyment of all the rights and franchises, and liable to the performance of all the duties, of that Presbytery.

It is also recommended that the candidates and licentiates who were under the care of the former Presbytery of New Castle, at the date of the Reconstruction Act of 1870, but who resided in the territory embraced in the present Presbytery of Chester, be attached to the latter Presbytery.—1871, p. 539.

IV. OF CORRESPONDING WITH FOREIGN CHURCHES.

1. The Assembly alone may Open Correspondence.

The Committee appointed to examine the records of the Synod of Tennessee reported, and the records were approved, with the exception of a proposal to establish a plan of intercourse between said Synod and the Cumberland Presbyterians, of which proposal the Assembly disapprove, on the ground that it belongs to the Assembly to correspond with foreign

churches on such terms as may be agreed upon by the Assembly and the corresponding body.—1827, p. 219.

Reaffirmed.—1866, p. 80, O. S.

[For local correspondence of the inferior judicatories, see under Form of Government, chap. x., sec. xii.]

2. Proposals for Correspondence with the New England Churches.

[In 1766 the General Synod adopted an overture "to endeavor to obtain some correspondence between this Synod and the Consociated churches of Connecticut. A Committee was appointed to meet the delegates from Connecticut.—*Minutes*, 1766, p. 364. A convention of the delegates was held at Elizabethtown, November 5, 1766. Its minutes were laid before the Synod, "seriously considered and amended." Delegates were appointed to attend at New Haven September 10, "there finally, on the part of this body, to complete the plan of union."—*Minutes*, 1767, p. 374. Under this plan the Convention met alternately in New Jersey and Connecticut until 1776, when the war interrupted it. In 1790 the General Assembly invited a renewal of the intercourse: "*Resolved*, That the ministers of the Congregational churches of New England be invited to renew their annual Convention with the clergy of the Presbyterian Church."—1790, p. 29. A Committee was appointed under the above resolution, and on their report, the next year, another Committee was appointed to meet at New Haven "such ministers of the New England churches as may be there present."—1791, p. 33.]

3. Plan of Correspondence with the General Association of Connecticut.

The minutes of the Convention of the Committee of the General Assembly of the Presbyterian Church in the United States, and of the General Association of the State of Connecticut, were taken into consideration, an extract of which is as follows, viz.:

Considering the importance of union and harmony in the Christian Church, and the duty incumbent on all its pastors and members to assist each other in promoting, as far as possible, the general interest of the Redeemer's kingdom, and considering further that divine Providence appears to be now opening the door for pursuing these valuable objects with a happy prospect of success, this Convention are of the opinion that it will be conducive to these important purposes that a Standing Committee of Correspondence be appointed in each body, whose duty it shall be, by frequent letters, to communicate to each other whatever may be mutually useful to the churches under their care and to the general interest of the Redeemer's kingdom; that each body should from time to time appoint a Committee consisting of three members, who shall have a right to sit in the other's general meeting and make such communications as shall be directed by their respective constituents, and deliberate on such matters as shall come before the body, but shall have no right to vote; that effectual measures be mutually taken to prevent injuries to the respective churches from irregular and unauthorized preachers. To promote this end the Convention judge it expedient that every preacher traveling from the limits of one of these churches into those of the other shall be furnished with recent testimonials of his regular standing and good character as a preacher, signed by the moderator of the Presbytery or Association in which he received his license, or, if a minister, of his good standing and character as such from the moderator of the Presbytery or Association where he last resided, and that he shall previously to his traveling

as a preacher into distant parts, further receive a recommendation from one member at least of a standing Committee to be hereafter appointed by each body, certifying his good qualifications as a preacher. Also, that the names of this standing Committee shall be mutually communicated; and also that every preacher traveling and recommended as above, and submitting to the stated rules of the respective churches, shall be received as an authorized preacher of the gospel, and cheerfully taken under the patronage of the Presbytery or Association within whose bounds he shall find employment as a preacher; and that the proceedings of the respective bodies on this report be communicated to our brethren of the Congregational and Presbyterian churches throughout the States."

Upon mature deliberation the Assembly unanimously and cordially approved of said plan, and to carry the same into effect appointed the Rev. Drs. John Rodgers, John Witherspoon and Ashbel Green to be a Committee of Correspondence, agreeably to said plan. And it is moreover agreed that this Assembly will send delegates to sit and consult with the General Association of Connecticut, and receive their delegates to sit in this Assembly, agreeably to another article of the plan, as soon as due information shall be received that it is adopted on the part of the General Association of Connecticut.

A standing Committee was appointed, "To certify the good qualifications of the preachers traveling to officiate in the bounds of the Association of the State of Connecticut. And it was agreed that any preacher traveling as aforesaid shall have at least the name of one of the Committee, who shall belong to the Synod from whose bounds he came."—1792, p. 52.

[The Convention was ratified by the General Association of Connecticut, and Dr. Jonathan Edwards and Rev. Matthias Burnett took their seats in the Assembly.—1793, p. 64.]

In 1794, p. 80, the Assembly proposed to the Association "that the delegates from these bodies respectively shall have a right not only to sit and deliberate, but also to vote, on all questions which may be determined by either of them." The Association acceded to the proposition.—1795, p. 96. In 1827, p. 213, the Assembly asked the bodies in New England to which these rights had been conceded to give up the right to vote, as follows, viz.:

It appears that in the plan of intercourse between the Congregational Churches of New England and the General Assembly of the Presbyterian Church an article was adopted which is now believed to be inconsistent with a sound construction of the Constitution of the latter Church. This article, it is due to truth and candor to remark, was proposed by the Presbyterian Church without an overture from the Congregational churches, and in regard to which they did nothing more than accede to the proposition submitted to them. The article to which we allude relates to the powers granted to the delegates of the corresponding churches to *vote* as well as to *deliberate* on the various subjects that may come before the representatives of these churches respectively. The right of voting in the General Assembly cannot, it is believed, be constitutionally granted to any but to the commissioners appointed by the Presbyteries whose representatives compose that Assembly.

We have, therefore, respectfully to request that the plan of intercourse between you and us may be so modified as that the delegates to each body may hereafter be empowered to sit and deliberate only, but not to vote. It is believed that the modification here contemplated, if it shall be consented to on your part, will not only place the Assembly on constitutional ground, but by placing your Association on the same footing with other

religious communities with which we hold a friendly correspondence will destroy the appearance of an invidious distinction which now exists, and thus be calculated to promote extensively that mutual friendship and harmony which it is desirable to maintain and perpetuate among all who love the truth as it is in Jesus.—1827, p. 213.

[The respective bodies acceded to the request, and since 1830 no delegate from a corresponding body has had the right to vote. For terms of correspondence with the various congregational bodies see New Digest, pp. 439–449; Baird, Rev. Ed., pp. 506–525.]

4. The Plan of Union, and Action under it.

See New Digest, chap. xii., secs. i. and ii., pp. 452–469, and minutes of 1801, pp. 221, 224, 225; 1835, p. 486; 1837, p. 421, 458, 464; also Baird, Rev. Ed., pp. 570–581.

5. Correspondence with the Reformed Churches.

[For a full history of the early relations of the Assembly to the Dutch and Associate Reformed churches, see Baird, Rev. Ed., pp. 525–533. In 1820 the following Plan of Correspondence with the Associate Reformed Church was adopted. The Synod united with the General Assembly in 1822, but the plan is given as containing valuable illustrations of the powers and the spirit of the Assembly :]

The consideration of the plan of a brotherly correspondence between this Assembly and the General Synod of the Associate Reformed Church was resumed, and after a full discussion the plan was adopted, and is as follows, viz.:

I. The churches are to remain entirely separate and independent.

II. Any member of either church may be received to communion in the other on producing to the proper church officers sufficient evidence of a good and regular standing in the church with which he is connected.

III. It shall be permitted to the competent church officers in any congregation, settled or vacant, of either church, to invite to preach in their pulpit any minister or probationer who is in good standing in either of the said churches, and who preaches in their purity the great doctrines of the gospel, as they are stated in their common Confessions of Faith, and have generally been received and taught in the Reformed churches. But it shall be entirely optional to give or withhold such invitation, nor shall it be esteemed offensive or unkind if the invitation be withheld.

IV. A vacant congregation shall be at liberty to call a minister from either of the churches according to the order established in that church from which he may be called, he conforming himself to the order of the church to which he shall be called. And in case of a congregation being formed of people from both, it shall be at liberty to put itself under the care of either, at its option.

V. Persons under censure, or process of censure, in either church, shall not be received in the other church while such censure remains or such process is unfinished.

VI. Any Presbytery or Synod not formed by delegation of either church may invite the regular members of any similar judicatory of the other church to sit as corresponding members; but should the invitation not be deemed expedient, the withholding of it shall not be considered as unkind or offensive.

VII. The General Assembly of the Presbyterian Church and the General Synod of the Associate Reformed Church shall each appoint one minister and one elder, with an alternate of each, to sit in these judicatories

respectively, with the privilege of deliberating on all subjects that may come before them, but not of voting on any.

Resolved, That to carry into effect the last article of this report, this Committee of Conference recommend to the General Assembly and the General Synod to appoint their delegates the year preceding.—1820, p. 731.

a. With the Reformed Dutch Church.

The Committee to which were referred the minutes of the General Synod of the Reformed Dutch Church, on the subject of correspondence between that Synod and the General Assembly, reported, and their report, being read, was accepted. A motion was made and seconded that the report be adopted. After some discussion of this motion it was postponed to take up the following resolution, which after discussion was adopted, viz.:

Resolved, That the plan of correspondence, as amended by the General Synod of the Reformed Dutch Church, together with the additional article proposed by that body, be adopted, with an expression of a hope, however, that the additional article in question will be reconsidered by the Synod at their next meeting, so that, unless it should be regarded as of vital importance to the mutual and friendly correspondence of both bodies, it may be expunged, depending in this case upon the honorable principles of intercourse founded on our common Christianity.

The several articles of the plan were then read, and the vote taken upon them separately, and finally, the vote being taken upon the whole, they were adopted, and are as follows, viz.:

1. The churches are to remain entirely separate and independent.

2. Any member of either church may be received to communion in the other on producing to the proper church officers sufficient evidence of a good and regular standing in the church with which he is connected.

3. It shall be permitted to the competent church officers in any congregation, settled or vacant, of either church, to invite to preach in their pulpit any minister or probationer who is in good standing in either of said churches, and who preaches in their purity the great doctrines of the gospel, as they are stated in their respective Confessions of Faith, and have generally been received and taught in the Reformed Churches; but it shall be entirely optional to give or withhold such invitations, nor shall it be esteemed offensive or unkind if the invitation is withheld.

4. A vacant congregation shall be at liberty to call a minister from either of the churches according to the order established in that church from which he may be called, he conforming himself to the order of the church to which he shall be called. And in case of a congregation being formed of people from both, it shall be at liberty to put itself under the care of either, at its option.

5. Persons under censure, or process of censure, in either church, shall not be received in the other church while such censure remains or such process is unfinished.

6. The ministers of either church may be invited to sit as corresponding members in their respective judicatories, except the highest and the lowest, viz.: the church session and consistory, the General Assembly and the General Synod.

7. The General Assembly of the Presbyterian Church and the General Synod of the Reformed Dutch Church shall each appoint one minister and one elder, with an alternate of each, to sit in these judicatories respectively, with the privilege of deliberating on all subjects that may come before them.

Additional Article.—8. The ministers of one of the corresponding

churches shall not in any case intrude upon the office of the ministers of the other church.—1823, p. 76.

[The Synod of the Dutch Church did not think proper to rescind the 8th article above.]

b. Amendment of the Plan.

[In 1828 the Synod complained to the Assembly against the Presbytery of Columbia for receiving a student under the care of the classis of Albany, and licensing him.—1828, p. 237. In 1830, in view of the above case, the following additional article was proposed by the Dutch Church and adopted by the Assembly:]

That none of the inferior judicatories under the care of the corresponding churches shall be at liberty to admit into their respective bodies, or under their care, any student or licentiate from their sister church, without a regular dismission from the ecclesiastical body or theological seminary to which he is considered as attached.—1830, p. 288.

c. Proposal Declined.

Dr. Scott, delegate from the Reformed Dutch Church, presented to the Assembly the following minute from the General Synod of that body respecting the transference of churches:

Resolved, That if the General Assembly shall concur, no church shall be transferred from the one body to the other without the formal dismissal of the Presbytery or classis with which it shall have been connected.

Which, on motion, was referred to a special Committee.—1851, p. 17, O. S.

Dr. Stockton, from the Committee on the Minute of the General Synod of the Reformed Dutch Church, presented the following resolution, which was adopted, viz.:

Resolved, That in the judgment of the Assembly great prudence and courtesy should be manifested by the Presbyteries in the reception of churches from the classis of the Reformed Dutch Church, and that, where it is practicable, the consent of all parties concerned should be at least sought and, if possible, secured; but that the adoption of an absolute rule, such as is proposed by the General Synod of the Reformed Dutch Church, would probably be productive of hardships to churches and inconvenience to both denominations; and therefore, for the present at least, the Assembly very respectfully and fraternally beg leave to decline its concurrence in the adoption of said rule.—1851, p. 21, O. S.

d. Complaint against the Presbytery of North River.

On a complaint of the Reformed Dutch Church against the Presbytery of North River, the Assembly—

Resolved, 1. That though the consistory of the Second Reformed Dutch Church of Kingston may have acted arbitrarily in refusing certificates to its members applying for them, to join one of our churches, this Assembly regards as irregular, and as wanting in the due exercise of Christian forbearance, the proceeding of North River Presbytery, in so hastily organizing a church composed mostly of the members whom said consistory had refused to dismiss.

2. That though the classis of Ulster may have done wrong in withholding from the Rev. Mr. Smuller the certificate for which he applied to join the Presbytery of North River, this Assembly cannot approve of the act of said Presbytery in receiving him, regarding their act, in so doing, as

deficient in the exercise of that forbearance which should obtain in the intercourse of sister churches.

3. That the stated clerk express to the Dutch Church the deep regret which this Assembly feels that there should have been any cause for complaint or recrimination.—1855, p. 302, O. S.

6. Southern Presbyterian Church Recognized as an Independent Body.—Synods and Presbyteries Adhering to it Stricken from the Roll.

The special Committee appointed to take into consideration certain matters relating to the Southern churches respectfully reports that the following papers have been placed in its hands, and have been carefully considered, viz.:

1. An overture from the Presbytery of Zanesville, asking "that the Assembly strike from the lists of Synods, Presbyteries and churches those at the South which have ceased to report or be in connection with us, and that they be recognized as an independent body of Presbyterians, and overtures of friendly correspondence be made to them."

2. An overture from the Presbytery of St. Clairsville of like import.

3. An overture from the Presbytery of Steubenville, asking that the aforementioned Synods, Presbyteries and churches be stricken from the roll.

4. A memorial signed by certain ministers and ruling elders, asking in general terms that the General Assembly "devise such wise and conciliatory measures as may open the way for the renewal of fraternal relations with our brethren of the Southern churches."

In view of all these, your Committee would recommend the adoption of the following preamble and resolutions:

Whereas, The Synods of Alabama, Arkansas, Georgia, Memphis, Mississippi, North Carolina, South Carolina, Texas and Virginia, with the several Presbyteries under their care, have, with the exception of the Presbytery of New Orleans in the Synod of Mississippi, voluntary withdrawn from our connection and organized themselves into a separate Church. Therefore,

Resolved, 1. That the permanent clerk is directed to drop their names from the list of our Synods and Presbyteries, and they are no longer to be regarded as a part of the Presbyterian Church under the care of this Assembly, with the exception of the Presbytery of New Orleans, which is hereby attached to the Synod of Nashville.

Resolved, 2. That the Assembly does hereby recognize the organization into which these Synods have formed themselves as a separate and independent Church, sustaining to us the same relation which we accord to other branches of the Presbyterian Church; and hereafter it is to be treated accordingly by all the courts under our care.

Resolved, 3. That the Assembly also takes this occasion to say that while it cannot justify those brethren in separating themselves from the Church of their fathers, it regrets their withdrawal, and expresses the earnest hope that they may see their way clear to return to their former relations.—1868, p. 642, O. S.

7. Correspondence with the Southern Presbyterian Church.

a. The following preamble and resolutions, presented by Rev. William Adams, D. D., were unanimously adopted, viz.:

Whereas, This General Assembly believes that the interests of the kingdom of our Lord throughout our entire country will be greatly promoted by healing all unnecessary divisions;

Whereas, This General Assembly desires the speedy establishment of cordial fraternal relations with the body known as the "Southern Presbyterian Church," on terms of mutual confidence, respect, Christian honor and love;

Whereas, We believe that the terms of reunion between the two branches of the Presbyterian Church at the North, now so happily consummated, present an auspicious opportunity for the adjustment of such relations; therefore, be it

Resolved, 1. That a Committee of five ministers and four elders be appointed by this Assembly to confer with a similar Committee, if it shall be appointed by the Assembly now in session in the city of Louisville, Ky., in respect to opening a friendly correspondence between the Northern and Southern Presbyterian Churches, and that the result of such conference be reported to the General Assembly of 1871.

Resolved, 2. That with a view to the furtherance of the object contemplated in the appointment of said Committee, this Assembly hereby reaffirms the "Concurrent Declaration" of the two Assemblies which met in the city of New York last year, viz.:

"That no rule or precedent which does not stand approved by both bodies shall be of any authority in the reunited body, except in so far as such rule or precedent may affect the rights of property founded thereon."

Resolved, 3. That two ministers and one elder of the Committee appointed by this Assembly be designated as delegates to convey to the Assembly now in session at Louisville, Ky., a copy of these resolutions, with our Christian salutations.—1870, p. 18.

b. William Adams, D. D., C. C. Beatty, D. D., P. H. Fowler, D. D., H. J. Van Dyke, D. D., J. C. Backus, D. D., Henry Green, LL.D., Hon. William E. Dodge, Mr. James Brown and Hon. Daniel Haines were appointed a Committee of Correspondence with the General Assembly of the Presbyterian Church South, now in session at Louisville, Ky.—*ib.*, p. 20.

c. J. C. Backus, D. D., and Hon. Wm. E. Dodge, two of the above Committee, made a verbal report of their visit to Louisville, which was accepted.—*ib.*, p. 34. Subsequently,

d. The stated clerk reported a communication from the General Assembly of the Presbyterian Church South, which was read. [For the Letter in full see Minutes 1870, pp. 56–58.]

Whereupon the following response, reported by the Committee on Correspondence with the Church South, was adopted:

Whereas, This General Assembly, at an early period of its sessions, declared its desire to establish cordial fraternal relations with the General Assembly of the Presbyterian Church in the United States, commonly known as the Southern Assembly, on the basis of Christian honor, confidence and love, and with a view to the attainment of this end appointed a Committee of five ministers and four elders to confer with a similar Committee, if it should be appointed by the Assembly then in session at Louisville, Ky., "in regard to the amicable settlement of all existing difficulties, and the opening of a friendly correspondence between the Northern and Southern Churches;" and for the furtherance of the objects contemplated in the appointment of said Committee, and with a view to remove the obstacles which might prevent the acceptance of our proposals by our Southern brethren, reaffirmed the Concurrent Declaration of the two Assemblies which met in New York last year, to the effect that "no rule or precedent which does not stand approved by both the bodies shall be of any authority in the reunited body, except so far as such rule or precedent may affect the rights of property founded thereon," and as a further pledge of our sincerity in this movement sent a copy of our

resolutions, together with our Christian salutations, to the Assembly at Louisville by the hands of delegates chosen for that purpose,

And *whereas*, The Southern Assembly, while receiving our delegates with marked courtesy and formally complying with our proposition for the appointment of a Committee of Conference, has nevertheless accompanied that appointment with declarations and conditions which we cannot consistently accept, because they involve a virtual prejudgment of the very difficulties concerning which we invited the conference; therefore,

Resolved, That the further consideration of the subject be postponed, and the Committee be discharged. At the same time, we cannot forbear to express our profound regret that a measure designed and, as we believe, eminently fitted to promote the establishment of peace and the advancement of our Redeemer's kingdom in every part of our country has apparently failed to accomplish its object. We earnestly hope that the negotiations thus suspended may soon be resumed under happier auspices, and hereby declare our readiness to renew our proposals for a friendly correspondence whenever our Southern brethren shall signify their readiness to accept it in the form and spirit in which it has been offered.—1870, pp. 56–58.

e. Overture No. 15, from the Presbytery of Des Moines, with reference to union with the General Assembly of the Presbyterian Church South. The Committee recommend the adoption of the following resolution:

Resolved, That as the General Assembly has heretofore declared its willingness to resume fraternal relations and Christian union with the Assembly South, and still retains the same sentiment, it is deemed unwise to take any action at present on this overture. Adopted.—1872, p. 70.

f. Action touching those adhering to the Southern General Assembly and Old School Synod of Missouri declared Null and Void.

An overture from the Presbytery of Baltimore, asking the Assembly to affirm the doctrines of the standards of our Church pertaining to the civil magistrate and the relation of Church and State; also one from the Presbytery of Austin, concerning certain rules passed previously to the Reunion with regard to members of the Southern Presbyterian Church.

As the subjects of these overtures greatly concern the peace and prosperity of the Church, especially in those regions more directly affected by the late civil war, the Committee would recommend the adoption of the following paper:

The General Assembly, deploring the divisions that have occurred, and that continue, among Presbyterians in the United States of America, and earnestly desiring to do whatever is consistent with duty and fidelity to the Lord toward healing these divisions, and furthermore, having good reason to hope that the action contemplated in the following paper will promote and secure this happy result, do solemnly declare—

First. That in accordance with a resolution unanimously adopted by each of the two bodies now constituting the reunited Church, all action touching the brethren adhering to the body popularly known as the Southern General Assembly, together with all action touching the brethren adhering to the body known as the Old School Synod of Missouri, has been since the Reunion null and void, and therefore of no binding effect, and not to be pleaded as a precedent in the future.

Second. The Assembly also express confidence in the soundness of doctrine and in the Christian character of these brethren, and cannot doubt that a more intimate communion would lead to the speedy removal of the

barriers that now separate those of like precious faith, to increased mutual affection and esteem, and to a practical manifestation of our oneness in Christ.

Third. With regard to the civil magistrate and the relations of Church and State, the Assembly deem it sufficient to call attention to the following principles and statements found in these standards, to wit: I. "Synods and Councils are to handle or conclude nothing but that which is ecclesiastical, and are not to intermeddle with civil affairs which concern the commonwealth, unless by way of humble petition in cases extraordinary, or by way of advice for satisfaction of conscience, if they be thereunto required by the civil magistrate." (Confession of Faith, chap. xxxi., sec. iv.) II. "That God alone is Lord of the conscience, and hath left it free from the doctrine and commandments of men, which are in anything contrary to his word, or beside it, in matters of faith or worship;" "that all church power, whether exercised by the body in general or in the way of representation by delegated authority, is only ministerial and declarative—that is to say, that the holy Scriptures are the only rule of faith and manners; that no church judicatory ought to pretend to make laws to bind the conscience in virtue of their own authority, and that all their decisions should be founded upon the revealed will of God." (Form of Gov., chap. i., secs. i. and vii.)

Fourth. For the purpose of carrying out the spirit of the foregoing resolutions, the Assembly will appoint two Committees to confer with similar Committees, if appointed by the General Assembly of the Presbyterian Church in the United States and by the Old School Synod of Missouri, to seek closer and more fraternal relations with these bodies.—1873, p. 502.

8. Report on Foreign Correspondence.

The Committee on Foreign Correspondence reported in part as follows:

The Committee on Foreign Correspondence respectfully recommend to the Assembly that the Rev. William Arnot and the Rev. William G. Blaikie, D. D., from the General Assembly of the Free Church of Scotland, the Rev. Robert Watts, D. D., and Mr. Thomas Sinclair, from the General Assembly of the Presbyterian Church in Ireland, the Rev. John Edmond, D. D., and the Rev. John McLeod, D. D., from the Synod of the United Presbyterian Church of Great Britain and Ireland, and the Rev. David Inglis and the Rev. Thomas Lowry, from the Synod of the Canada Presbyterian Church, be admitted to seats in this Assembly as delegates from the several ecclesiastical bodies they represent, and that they be heard in the order above named at a session of the Assembly to be held for that purpose on Wednesday next, at 7½ o'clock P. M.

The Committee further recommend the adoption of the following resolution:

Resolved, That this Assembly cordially receives the delegates from the Synod of the United Presbyterian Church of Great Britain and Ireland—a body not hitherto in correspondence with either branch of our reunited Church—and that the Committee on Correspondence be directed to nominate delegates who shall present our greetings to that Synod at its meeting next year.—1870, p. 17.

Your Committee would also report that a communication has been received from the general conference of churches in Connecticut, notifying us that they appointed no delegate this year, as steps were being taken toward the formation of a national convention of Congregational churches which would more properly send delegates to represent that body in our General Assemblies.—1871, p. 531.

9. Bodies with which the Assembly is at Present in Correspondence.

1. General Assembly of the Free Church of Scotland.
2. General Assembly of the Church of Scotland.
3. General Assembly of the Presbyterian Church in Ireland.
4. Synod of the Presbyterian Church of Great Britain and Ireland.
5. General Assembly of the Canada Presbyterian Church.
6. Synod of the Presbyterian Church in Canada in connection with the Church of Scotland.
7. General Synod of the Reformed Church in America.
8. General Assembly of the United Presbyterian Church of North America.
9. General Synod of the Evangelical Lutheran Church of the United States.
10. Synod of the Presbyterian Church in the Lower Provinces of British North America and the Synod of the Presbyterian Church in connection with the Church of Scotland.
11. General Assembly of the Cumberland Presbyterian Church.
12. General Assembly of the Welsh Presbyterian Church in America.
13. General Synod of the Reformed Church of France.
14. National Council of the Congregational churches in the United States of America.
15. Synod of the Waldensian Church.—1873, p. 537.

10. Power of the Assembly to expel a Member.

Mr. Galloway rose to a question of privilege, and read an article from the *Ohio Statesman* reflecting severely upon his character and that of the General Assembly, which article he attributed to the Rev. W. M. Ferguson, a member of this house.

Dr. Krebs offered the following:

Resolved, That unless the Rev. William M. Ferguson forthwith retract the offensive publication, and make an ample apology to the satisfaction of this house, he be immediately expelled.

The moderator having waited a suitable length of time for an explanation or retraction, and Mr. Ferguson having declined to speak, the moderator took the vote, and the resolution was adopted, when the moderator declared Mr. Ferguson to be expelled from the Assembly.

Mr. Ferguson having declared that he had not understood that an explanation at that time was demanded, the vote was, on motion of Dr. Krebs, reconsidered, in order to renew to Mr. Ferguson the opportunity he had failed to use before the resolution to expel him was adopted. Mr. Ferguson then rose and explained, after which Mr. McKnight offered the following as an amendment to the motion of Dr. Krebs:

Resolved, That the Rev. William M. Ferguson, a commissioner to this General Assembly, because of a gross, abusive and scandalous libel, published in the *Ohio Statesman*, on members of this body, which he has now qualified in the presence of the Assembly, is entitled to and does hereby receive the grave censure of this Assembly.

Various resolutions to substitute, to amend and to commit were proposed, which were all laid upon the table in order that by general consent Dr. Krebs might offer the following resolution, viz.:

Resolved, That whereas the Rev. W. M. Ferguson, a commissioner to this General Assembly from the Presbytery of Zanesville, is, by his own acknowledgment, guilty of writing and publishing in the *Ohio Statesman*

a gross, abusive, scandalous and slanderous libel against the members of this Assembly, and against this Assembly itself, and although he has qualified it in the presence of this Assembly this morning, his explanation is not deemed satisfactory; therefore,

Resolved, That the Rev. Wm. M. Ferguson be forthwith expelled as a member of this house.

On these resolutions the previous question was called for, and the call was sustained. The main question was then put, and the resolutions were adopted, when the moderator again announced that the Rev. W. M. Ferguson, a commissioner from the Presbytery of Zanesville, had been expelled from membership in this General Assembly.—1866, p. 58, O. S.

11. Report on the Perils which Beset the System of Popular Education.

The Committee on the Perils which Beset the System of Popular Education presented their report, which, having been read and considered, was adopted, and is as follows:

The Committee appointed to consider the perils which beset the system of popular education in this country, and to prepare a minute expressive of the sentiment of the General Assembly on this momentous question, beg leave to report:

The public school in the United States is a most precious heirloom of American liberty. Planted in the early colonial days, it has grown and expanded into one of the most beneficent and fruitful institutions of the country. Its history is interwoven with that of the nation. No other agency, if we except the Church of God, has had so large a share in laying the foundations of popular intelligence, virtue and freedom in the United States. In hardly any other institution is the characteristic American idea so happily and fully realized. It cannot be endangered, therefore, without peril to the vital interests of American society.

In this view the recent assaults upon it are fitted to arrest the attention of every Christian patriot and philanthropist. These assaults resemble skirmishes which precede and are intended to draw on a great battle. But the motives and ultimate aim of those who have made them are very different; they have joined hands merely to gain a temporary advantage. One party hold that the public school should be purged of every vestige of religion, that inasmuch as all the people are taxed for its support there should be recognized in it no form of Christian instruction or influence to which any of the tax-payers profess conscientious objections. This is the position maintained by the advocates of a total divorce of popular education from the Christian life and morals of the nation. The other party regard such a theory of popular education as false and unchristian; they hold that there should be careful instruction in religious truth and duty under the direction of the Church; and inasmuch as this is not possible in the common school, they advocate for themselves the sectarian school, and demand their share of the public school fund to enable them to sustain it.

The importance of the question thus raised cannot be easily over-estimated. The question of popular education, indeed, both at home and abroad, is one of the great problems of the age. Its decision among ourselves involves consequences of vast moment to the American people. Shall the old system be revolutionized, and every form of Christian instruction or influence in the public school be prohibited? Or shall the institution itself be given up, and sectarian schools take its place?

We should regard the successful attempt to expel all religious instruc-

tion and influence from our public schools as an evil of the first magnitude. Nor do we see how, according to the principles upon which it is advocated, this can be done, without inflicting a deadly wound upon the intellectual and moral life of the nation. It is contended that the rights of the individual conscience, as also the just limits of political power under our constitution of government, are violated by the existing system. But scarcely more, we reply, than they are violated by the very genius and organization of American society; no more than they are violated by all public acknowledgment of God and his providential government, by oaths of office, by the recognition of the Lord's day, by chaplaincies in the army and navy, or by laws against polygamy, blasphemy, perjury and other forms of open immorality and crime; no more, in a word, than they are violated by the fundamental ideas and order of our Christian civilization. We look upon the State as an ordinance of God, and not a mere creature of the popular will, and under its high responsibility to the supreme Ruler of the world, we hold it to be both its right and bounden duty to educate its children in those elementary principles of knowledge and virtue which are essential to its own security and well-being. The union of Church and State is indeed against our American theory and constitutions of government, but the most intimate union of the State with the saving and conservative forces of Christianity is one of the oldest customs of the country, and has always ranked as a vital article of our political faith. What impressive illustrations of this occur along the whole line of our history, and especially during our late national struggle! We cannot, therefore, help regarding the notion of an absolute secularization of the public school, so that no Christian element shall remain in it, as un-American, wrong and impracticable. We do not see how it can be done without a complete revision of the literature and very dictionary of the language, without reducing the education of the future citizens of the republic to the most meagre and pitiable skeleton of knowledge, without training up the children of the people in ignorance of some of the most interesting and glorious incidents and characters of their own history. Nor do we see how it can be done without sooner or later stamping downright atheism, not only upon the public school, but upon every other institution of the State, and upon the whole action of government itself. The American people, we cannot doubt, are utterly opposed to so baleful a dogma. It is contrary to their history, to their practice from the beginning and to their deepest convictions.

But while they can never consent, as we believe, to expel all recognition of God and his truth from the public school, neither can they consent, on the other hand, to let a portion of the public schools pass under the control of any particular denomination, and thus become the instruments of sectarian instruction and influence. It is a matter of the utmost importance that the children of the people should be educated together, under the same roof, in the same atmosphere of American thought and feeling, and in those common elements of knowledge, virtue, fraternal sympathy, humanity and patriotism which go to form a good and loyal citizen of our great republic.

We sincerely trust, therefore, that our Roman Catholic fellow-citizens, who agree with us on the importance of the moral and religious element in popular education, will continue to co-operate with us in sustaining our American common school system, and in infusing into it as far as possible those universal and benign principles—such as love to God and love to our neighbor—which lie at the foundation of human duty and are essential to the right training of the youthful mind. On this patriotic and

catholic platform we should hope that a very large majority of those even who dissent entirely from our theological views, and belong, indeed, to no branch of the Christian Church, would be willing to stand with us. We cannot think that there are many of our countrymen who would seriously object to having their children trained up in the public school under the influence of these ancestral and truly democratic principles. The number of such in the past has been exceedingly small, and we cherish the confident hope that it will be so in the future. We believe that the roots of our human and Christian nationality lie deep in the heart of the American people.

In accordance with the foregoing views, your Committee submit the following resolutions:

Resolved, 1. That the General Assembly regard the free public school as an essential part of our republican system, as conducive in the highest degree to the moral unity, common spirit and kindly sympathies of American citizenship, and as closely connected with all the best interests of Christian society in the United States.

Resolved, 2. That in the judgment of the General Assembly the divorce of popular education from all religious elements, while involving a radical departure from the spirit and principles in which our public school had its origin, would be eminently unwise, unjust and a moral calamity to the nation.

Resolved, 3. That the General Assembly are also entirely opposed to the appropriation of any portion of the public school funds for the support of sectarian institutions, and would regard the establishment of such a policy as fraught with the greatest mischief not only to the cause of popular education, but hardly less to the interests of American freedom, unity and progress.

Resolved, 4. That whereas the Bible is not only the Magna Charta of the spiritual rights and liberties of mankind, but is also pre-eminently our national book, the best model of our mother tongue and the fountain of our highest thought and of our ruling ideas, both in private and public life, the General Assembly would regard its expulsion from the schools of the people as a deplorable and suicidal act, nor can they perceive that any real advantage could thereby be gained to the cause of popular education.

Resolved, 5. That the General Assembly, conscious of being actuated in this matter by no other motive than the greatest good of the whole country, hereby profess their readiness to co-operate with all Christian people, of whatever name, and with all good citizens, in so modifying and perfecting our noble public school system as to obviate, as far as practicable, the conscientious scruples and difficulties of any of its friends, and thus to render it a fountain of still greater light and benediction to us and our children after us to the latest generation.—1870, pp. 49–52.

12. The Pastoral Letters.

1. On Missions.

The letter of the Synod now sitting at Philadelphia, to the several congregations within the bounds of the Synod:

September 22, 1719.

Christian Friends.

Whereas divine Providence, which is the Disposer of the lot of all men, has planted us in these parts of the world, and in such a station wherein we are obliged, in an eminent manner, to study the everlasting welfare of the souls of men. And whereas, to our great grief and exercise, we see

many smaller places of lesser ability to maintain and support the interest of Christ among them by the ordinary means of salvation, and yet desirous thereof, languishing in darkness and blindness, and in great danger of utter ruin for lack of vision, casting in our minds how to get these miserable people relieved, could think upon no other way than by using our utmost interest and endeavor to have such a fund or stock of money raised as may be of some use to help those distressed places and people. In pursuance of which design we have addressed our friends in Britain and Ireland not altogether without success.

And forasmuch as it seems to us unreasonable and unjustifiable to apply to other places in this affair, and ourselves, who are more immediately concerned, to hold our hands, we determined to request the charity of our respective congregations in the premises, that they would yearly make a collection for the carrying on of the said noble and pious design of planting and spreading the everlasting gospel in these provinces.

As for arguments to enforce this our proposal, the thing itself is of such consequence and importance, and withal so needful, that we need not, we hope, use any other, only the consideration of a blessing entailed in this and the other world, by God's gracious promises, on all such as do cheerfully exert themselves for the glory of God and the good of souls, together with the honorable examples that are frequently set us by the good people of our own nation both at home and abroad. So recommending you to the counsel and blessing of the Author and Rewarder of all good works, we subscribe ourselves yours in the truest bonds of Christian affections.—[*Letter Book.*]—1719, p. 58.

2. Pastoral Letter on occasion of the "Old French War."

The Synod [of New York], under a sense of the present distressed and calamitous state of the country, do agree that they will recommend to all their congregations to unite in observing the last Thursday of October, instant, as a day of public humiliation, fasting and prayer.

The Synod propose further to recommend to their congregations to spend part of the last Thursday of every month in extraordinary prayer while the present mournful state of our public affairs continues.

And they do further most earnestly recommend it to all their members, present and absent, to exert themselves in an extraordinary manner, in their several spheres of influence, for a general and thorough reformation of those crying abominations which seem most evidently to have kindled the anger of Heaven against this land.

And that they would, in their public performances, frequently explain and warmly press on their hearers the necessity of such a reformation in this day.

The Synod taking into serious consideration the dangerous situation of the public at this juncture by means of a potent, prevailing and cruel enemy; the divided state of these colonies; the abounding of profanity, luxury, infidelity, error and ignorance; the evident suspension of spiritual influences from the Church, which is followed with an evident insensibility under the judgments as well as ordinances of God; together with other awful aspects of divine Providence, cannot but view them as plain demonstrations of his displeasure. We have been warned and chastised, first more gently, then more terribly; but not returning to Him that smites us, his anger is not turned away, but his hand is stretched out still. Judgment yet proceeds, the prospect becomes darker and darker, and all things respecting us are loudly alarming. When God judges, he will overcome;

none have ever hardened themselves against him and prospered. Nothing but impiety rouses his vengeance, and nothing but repentance toward him and faith toward our Lord Jesus Christ can turn it away. We have not so much as the least reason to expect deliverance and safety in a way of impenitent sinning; for we are assured, if we walk contrary to our God, he will walk contrary to us, and will punish us yet seven times more for our iniquity. And as we judge that extraordinary distresses are calls to extraordinary humiliation and acts of devotion, so we look on ourselves bound, not only as members of the community, but by the duty of our office, as those who are entrusted with the declaration of God's revealed will, to warn all who will attend unto us, and earnestly exhort them to prostrate themselves before his offended majesty in the humblest manner; to deprecate his righteous displeasure, implore his mercy for themselves, their children, country and nation, their and our rightful and gracious sovereign King George the Second, his royal family, all officers civil and military, and the whole Church of God; and solemnly endeavor sincere and thorough reformation. For this purpose the Synod agree to recommend the last Thursday of this instant, to be observed as a day of public fasting and prayer, in all the congregations under our care. We also recommend to all the members of our body that they exert themselves in promoting a reformation from those evils which have evidently kindled the anger of Heaven against this land; and that they would frequently urge the necessity of such a reformation in this day.

Signed in the name of the Synod.

RICHARD TREAT, *Synod Clerk.*

—1756, p. 276.

3. PASTORAL LETTER UPON THE REPEAL OF THE STAMP ACT.

DEARLY BELOVED: We think it our indispensable duty, not only in our particular charges, but in this united and more public capacity, to direct you to some suitable reflections upon the late remarkable and merciful steps of divine Providence, and to inculcate a becoming improvement of an event the most interesting and important to the people of this continent. For not only in the word of God should we attend to his divine will, but also mark his hand in that providence by which he directs the course of human affairs with invariable wisdom and paternal goodness.

The faithless French and their savage allies were lately the rod of divine displeasure for our many provocations. Under the calamities of war and the wasting ravages of Indian cruelty, we were repeatedly brought to approach the throne of grace with solemn fasting and prayer, and thereby openly profess our resolution to forsake the ways of sin, and turn unto the Lord. But, alas! we rendered not to God according to the multitude of his tender mercies; for no sooner was the rod removed, and the blessings of peace restored, but we became more vain and dissolute than before.

The Almighty, thus provoked, permitted counsels of the most pernicious tendency, both to Great Britain and her colonies. The imposition of unusual taxes, a severe restriction of our trade and an almost total stagnation of business threatened us with inevitable ruin. A long suspense, whether we should be deprived of or restored to the peaceable enjoyment of the inestimable privilege of English liberty, filled every breast with the most painful anxiety. A gloomy cloud thickened over our heads, ready to burst upon us in a desolating storm. Had our gracious Sovereign, the present ministry and the British parliament been less wise, just and good, had they, instead of yielding to a spirit of moderation, unhappily re-

curred to force, we shudder at the very thoughts of the consequences. We cannot look down the precipice on the brink of which we stood, without horror. We were not without reason apprehensive that the tumultuous outrages which in some places attended a determined opposition to the disrelished statute might provoke the resentment of the British legislature.

When we reflect on the public offences of our land against Heaven; when we think of the open disregard and violation of the holy Sabbath; the neglect of the ordinances of divine worship, the abuse of gospel light and privileges, the profane swearing and cursing, intemperance and luxury, the various scenes of uncleanness and lasciviousness, the pride and vanity, and every other evil so shamefully prevalent, what less could we expect than that an offended God would have made the gathering tempest to break upon us, and plunged us and our mother country in all the rueful calamities of a civil war? But how astonishing is the long-suffering patience of Jehovah! He has inclined the hearts of many powerful friends to espouse our cause. He has given us to experience the paternal tenderness of the best of kings, and the moderation of the British parliament. Our gracious God is our deliverer. He is making a further trial of us. May his unmerited goodness lead us to repentance!

We therefore call upon you who are the dear people of our charge not only to acknowledge with joy and gratitude the general providence of God, but also thankfully to adore that particular providence wherein upon special occasions he directs and controls the course of events by his immediate influence, and whereby he hath on the late interesting occasion so signally appeared for our protection. We call upon you constantly to reverence that all-wise and omnipotent Director and Disposer of events, on whom we depend for every mercy we enjoy, to be thankful to him for every instance of prosperity, patient under every affliction, submissive to his wise disposals and obedient to all his holy precepts; to awake to repentance, to consider your ways, and to turn unto the Lord, through his Son Jesus Christ. Let every one beware of adding to the common stock of guilt and iniquity. We beseech and obtest you to be strict in observing the laws and ordinances of Jesus Christ, to pay a sacred regard to his Sabbath, to reverence his holy name and adorn the doctrine of God our Saviour by good works. We pray you to seek earnestly the saving knowledge of Christ and the internal power and spirit of religion. Thus may you hope for the continued kindness of a gracious Providence, and this is the way to express your gratitude to the Father of mercies for your late glorious deliverance. But persisting to grieve the Holy Spirit by a neglect of vital religion and a continuance in sin, you will have reason to dread that a holy God will punish you yet seven times more for your iniquities.

While we thus call upon you to fear God, you will not forget to honor your king and pay a due submission to his august parliament. Let this fresh instance of royal clemency increase the ardor of your affection to the person, family and government of our rightful and gracious sovereign. This you will manifest by a cheerful and ready obedience to civil authority. A spirit of liberty is highly laudable when under proper regulations, but we hope you will carefully distinguish between liberty and licentiousness.

We most earnestly recommend it to you to encourage and strengthen the hands of government, to demonstrate on every proper occasion your undissembled love for your mother country and your attachment to her true interest, so inseparably connected with our own.

That thus you may become wise and good, as well as free and happy, and that while you enjoy liberty, civil and religious, you may not be the servants of sin and Satan, is the fervent prayer of those who watch for your souls as men who must give an account.

Signed by order. ELIHU SPENCER, *Moderator.*

Presbyterian Church, at New York, May 30, 1766.—1766, p. 362.

4. PASTORAL LETTER UPON OCCASION OF THE REVOLUTIONARY WAR.

Dr. Witherspoon, Dr. Rodgers, Messrs. Caldwell, Halsey, Smith, Kerr and Ogden are appointed a Committee to bring in to-morrow, in the afternoon, a draught of a pastoral letter.

The Committee brought in a draught of a pastoral letter, which, after a few alterations, was approved, ordered to be printed, and is as follows:

VERY DEAR BRETHREN: The Synod of New York and Philadelphia being met at a time when public affairs wear so threatening an aspect, and when (unless God in his sovereign providence speedily prevent it) all the horrors of a civil war throughout this great continent are to be apprehended, were of opinion that they could not discharge their duty to the numerous congregations under their care without addressing them at this important crisis. As the firm belief and habitual recollection of the power and presence of the living God ought at all times to possess the minds of real Christians, so in seasons of public calamity, when the Lord is known by the judgment which he executeth, it would be an ignorance or indifference highly criminal not to look up to him with reverence, to implore his mercy by humble and fervent prayer, and, if possible, to prevent his vengeance by unfeigned repentance.

We therefore, brethren, beseech you in the most earnest manner to look beyond the immediate authors either of your sufferings or fears, and to acknowledge the holiness and justice of the Almighty in the present visitation. He is righteous in all his ways and holy in all his works. Affliction springeth not out of the dust. He doth not afflict willingly, nor grieve the children of men; and therefore it becomes every person, family, city and province to humble themselves before his throne, to confess their sins by which they have provoked his indignation, and entreat him to pour out upon all ranks a spirit of repentance and of prayer. Fly also for forgiveness to the atoning blood of the great Redeemer, the blood of sprinkling, which speaketh better things than that of Abel. Remember and confess not only your sins in general, but those prevalent national offences which may be justly considered as the procuring causes of public judgments, particularly profaneness and contempt of God, his name, Sabbaths and sanctuary, pride, luxury, uncleanness and neglect of family religion and government, with the deplorable ignorance and security which certainly ought to be imputed to this as their principal cause. All these are, among us, highly aggravated by the inestimable privileges which we have hitherto enjoyed without interruption since the first settlement of this country. If, in the present day of distress, we expect that God will hear our supplications and interpose for our protection or deliverance, let us remember what he himself requires of us is that our prayers should be attended with a sincere purpose and thorough endeavor after personal and family reformation. "If thou prepare thine heart and stretch out thine hand toward him, if iniquity be in thine hand, put it far away, and let not wickedness dwell in thy tabernacles." Job xi. 13, 14.

The Synod cannot help thinking that this is a proper time for pressing all, of every rank, seriously to consider the things that belong to their eternal peace. Hostilities, long feared, have now taken place; the sword has

been drawn in one province, and the whole continent, with hardly any exception, seem determined to defend their rights by force of arms. If, at the same time, the British ministry shall continue to enforce their claims by violence, a lasting and bloody contest must be expected. Surely, then, it becomes those who have taken up arms, and profess a willingness to hazard their lives in the cause of liberty, to be prepared for death, which to many must be certain, and to every one is a possible or probable event.

We have long seen with concern the circumstances which occasioned, and the gradual increase of, this unhappy difference. As ministers of the gospel of peace we have ardently wished that it could, and often hoped that it would, have been more early accommodated. It is well known to you (otherwise it would be imprudent indeed thus publicly to profess) that we have not been instrumental in inflaming the minds of the people or urging them to acts of violence and disorder. Perhaps no instance can be given on so interesting a subject in which political sentiments have been so long and so fully kept from the pulpit, and even malice itself has not charged us with laboring from the press; but things are now come to such a state that we do not wish to conceal our opinions as men and citizens, so the relation we stand in to you seemed to make the present improvement of it to your spiritual benefit an indispensable duty.

Suffer us, then, to lay hold of your present temper of mind, and to exhort, especially the young and vigorous, by assuring them that there is no soldier so undaunted as the pious man, no army so formidable as those who are superior to the fear of death. There is nothing more awful to think of than that those whose trade is war should be despisers of the name of the Lord of hosts, and that they should expose themselves to the imminent danger of being immediately sent from cursing and cruelty on the earth to the blaspheming rage and despairing horror of the infernal pit. Let, therefore, every one, who from generosity of spirit or benevolence of heart offers himself as a champion in his country's cause, be persuaded to reverence the name and walk in the fear of the Prince of the kings of the earth, and then he may, with the most unshaken firmness, expect the issue either in victory or death.

Let it not be forgotten that though for the wise ends of his providence it may please God for a season to suffer his people to lie under unmerited oppression, yet in general we may expect that those who fear and serve him in sincerity and truth will be favored with his countenance and strength. It is both the character and the privilege of the children of God that they call upon him in the day of trouble, and He who keepeth covenant and truth for ever has said that his ears are always open to their cry. We need not mention to you in how many instances the event in battles and success in war have turned upon circumstances which were inconsiderable in themselves, as well as out of the power of human prudence to foresee or direct, because we suppose you firmly believe that after all the counsels of men and the most probable and promising means, the Lord will do that which seemeth him good; nor hath his promise ever failed of its full accomplishment. "The Lord is with you while ye be with him, and if ye seek him he will be found of you, but if ye forsake him he will forsake you." 2 Chron. xv. 2.

After this exhortation, which we thought ourselves called upon to give you at this time on your great interest, the one thing needful, we shall take the liberty to offer a few advices to the societies under our charge as to their public and general conduct; and,

First. In carrying on this important struggle, let every opportunity be

taken to express your attachment and respect to our sovereign King George, and to the revolution principles by which his august family was seated on the British throne. We recommend, indeed, not only allegiance to him from duty and principle, as the first magistrate of the empire, but esteem and reverence for the person of the prince, who has merited well of his subjects on many accounts, and who has probably been misled into the late and present measures by those about him; neither have we any doubt that they themselves have been in a great degree deceived by false information from interested persons residing in America. It gives us the greatest pleasure to say, from our own certain knowledge of all belonging to our communion, and from the best means of information, of the far greatest part of all denominations in the country, that the present opposition to the measures of administration does not in the least arise from disaffection to the king or a desire of separation from the parent state. We are happy in being able with truth to affirm that no part of America would either have approved or permitted such insults as have been offered to the sovereign in Great Britain. We exhort you, therefore, to continue in the same disposition, and not to suffer oppression, or injury itself, easily to provoke you to anything which may seem to betray contrary sentiments: let it ever appear that you only desire the preservation and security of those rights which belong to you as freemen and Britons, and that reconciliation upon these terms is your most ardent desire.

Secondly. Be careful to maintain the union which at present subsists through all the colonies; nothing can be more manifest than that the success of every measure depends on its being inviolably preserved, and, therefore, we hope that you will leave nothing undone which can promote that end. In particular, as the Continental Congress, now sitting at Philadelphia, consists of delegates chosen in the most free and unbiased manner by the body of the people, let them not only be treated with respect and encouraged in their difficult service—not only let your prayers be offered up to God for his direction in their proceedings—but adhere firmly to their resolutions; and let it be seen that they are able to bring out the whole strength of this vast country to carry them into execution. We would also advise for the same purpose that a spirit of candor, charity and mutual esteem be preserved and promoted toward those of different religious denominations. Persons of probity and principle of every profession should be united together as servants of the same Master, and the experience of our happy concord hitherto in a state of liberty should engage all to unite in support of the common interest; for there is no example in history in which civil liberty was destroyed and the rights of conscience preserved entire.

Thirdly. We do earnestly exhort and beseech the societies under our care to be strict and vigilant in their private government, and to watch over the morals of their several members. It is with the utmost pleasure we remind you that the last Continental Congress determined to discourage luxury in living, public diversions and gaming of all kinds, which have so fatal an influence on the morals of the people. If it is undeniable that universal profligacy makes a nation ripe for divine judgment, and is the natural mean of bringing them to ruin, reformation of manners is of the utmost necessity in our present distress. At the same time, as it has been observed by many eminent writers that the censorial power, which had for its object the manners of the public in the ancient free states, was absolutely necessary to their continuance, we cannot help being of opinion that the only thing which we have now to supply the place of this, is the religious discipline of the several sects with respect to their own members;

so that the denomination or profession which shall take the most effectual care of the instruction of its members, and maintain its discipline in the fullest vigor, will do the most essential service in the whole body. For the very same reason the greatest service which magistrates or persons in authority can do, with respect to the religion or morals of the people, is to defend and secure the rights of conscience in the most equal and impartial manner.

Fourthly. We cannot but recommend and urge in the warmest manner a regard to order and the public peace; and as in many places, during the confusions that prevail, legal proceedings have become difficult, it is hoped that all persons will conscientiously pay their just debts, and to the utmost of their power serve one another, so that the evils inseparable from a civil war may not be augmented by wantonness and irregularity.

Fifthly. We think it of importance at this time to recommend to all of every rank, but especially to those who may be called to action, a spirit of humanity and mercy. Every battle of the warrior is with confused noise and garments rolled in blood. It is impossible to appeal to the sword without being exposed to many scenes of cruelty and slaughter; but it is often observed that civil wars are carried on with a rancor and spirit of revenge much greater than those between independent states. The injuries received, or supposed, in civil wars, wound more deeply than those of foreign enemies; it is therefore the more necessary to guard against this abuse, and recommend that meekness and gentleness of spirit which is the noblest attendant on true valor. That man will fight most bravely who never fights till it is necessary, and who ceases to fight as soon as the necessity is over.

Lastly. We would recommend to all the societies under our care not to content themselves with attending devoutly on general fasts, but to continue habitually in the exercise of prayer, and to have frequent occasional voluntary meetings for solemn intercession with God on the important trial. Those who are immediately exposed to danger need your sympathy; and we learn from the Scriptures that fervency and importunity are the very characters of that prayer of the righteous man which availeth much.

We conclude with our most earnest prayer that the God of heaven may bless you in your temporal and spiritual concerns, and that the present unnatural dispute may be speedily terminated by an equitable and lasting settlement on constitutional principles.

Signed in the name, presence and by appointment of the Synod.

BENJAMIN HAIT, *Moderator.*

New York, May 22, 1775.

N. B. The stated clerk is to insert the pastoral letter from a printed copy. The Synod agree that five hundred copies of said pastoral letter be printed, and order the synodical treasurer to pay the expenses of printing, which is to be by the Synod refunded at their next meeting.

Mr. Halsey dissents from that paragraph of said letter which contains the declarations of allegiance.—1775, pp. 466–469.

5. ADDRESS TO WASHINGTON ON HIS ELECTION TO THE PRESIDENCY.

On motion, *Resolved* unanimously, That an address be presented from the General Assembly of the Presbyterian Church to the President of the United States, and that Drs. Witherspoon, Alison and S. S. Smith be a Committee to draft said address:

To the President of the United States:

Sir: The General Assembly of the Presbyterian Church in the United States of America embrace the earliest opportunity in their power to testify the lively and unfeigned pleasure which they, with the rest of their fellow-citizens, feel, on your appointment to the first office in the nation.

We adore almighty God, the Author of every perfect gift, who hath endued you with such a rare and happy assemblage of talents as hath rendered you equally necessary to your country in war and in peace. Your military achievements ensured safety and glory to America in the late arduous conflict for freedom, while your disinterested conduct and uniformly just discernment of the public interest gained you the entire confidence of the people; and in the present interesting period of public affairs the influence of your personal character moderates the divisions of political parties, and promises a permanent establishment of the civil government.

From a retirement more glorious than thrones and sceptres you have been called to your present elevated station by the voice of a great and a free people, and with a unanimity of suffrage that has few if any examples in history. A man more ambitious of fame or less devoted to his country would have refused an office in which his honors could not be augmented, and where they might possibly be subject to a reverse. We are happy that God has inclined your heart to give yourself once more to the public. And we derive a favorable presage of the event from the zeal of all classes of the people and their confidence in your virtues, as well as from the knowledge and dignity with which the federal councils are filled. But we derive a presage even more flattering from the piety of your character. Public virtue is the most certain means of public felicity, and religion is the surest basis of virtue. We, therefore, esteem it a peculiar happiness to behold in our Chief Magistrate a steady, uniform, avowed friend of the Christian religion, who has commenced his administration in rational and exalted sentiments of piety, and who in his private conduct adorns the doctrines of the gospel of Christ, and on the most public and solemn occasions devoutly acknowledges the government of divine Providence.

The example of distinguished characters will ever possess a powerful and extensive influence on the public mind; and when we see in such a conspicuous station the amiable example of piety to God, of benevolence to men and a pure and virtuous patriotism, we naturally hope that it will diffuse its influence, and that eventually the most happy consequences will result from it. To the force of imitation we will endeavor to add the wholesome instructions of religion. We shall consider ourselves as doing an acceptable service to God in our profession when we contribute to render men sober, honest and industrious citizens, and the obedient subjects of a lawful government. In these pious labors we hope to imitate the most worthy of our brethren of other Christian denominations, and to be imitated by them, assured that if we can by mutual and generous emulation promote truth and virtue, we shall render a great and important service to the republic, shall receive encouragement from every wise and good citizen, and above all meet the approbation of our divine Master.

We pray almighty God to have you always in his holy keeping. May he prolong your valuable life, an ornament and a blessing to your country, and at last bestow on you the glorious reward of a faithful servant.

Signed by order of the General Assembly.

John Rodgers, *Moderator.*

Philadelphia, May, 1789.

—1789, p. 11.

Washington's Reply.

The Committee appointed to present the address of the General Assembly to the President of the United States reported that they presented the said address, agreeably to the order of last year, and received from the President the following answer, viz.:

To the General Assembly of the Presbyterian Church in the United States of America.

Gentlemen: I receive with great sensibility the testimonial given by the General Assembly of the Presbyterian Church in the United States of America of the lively and unfeigned pleasure experienced by them on my appointment to the first office in the nation.

Although it will be my endeavor to avoid being elated by the too favorable opinion which your kindness for me may have induced you to express of the importance of my former conduct and the effect of my future services, yet, conscious of the disinterestedness of my motives, it is not necessary for me to conceal the satisfaction I have felt upon finding that my compliance with the call of my country and my dependence on the assistance of Heaven to support me in my arduous undertakings have, so far as I can learn, met the universal approbation of my countrymen. While I reiterate the professions of my dependence upon Heaven as the source of all public and private blessings, I will observe that the general prevalence of piety, philanthropy, honesty, industry and economy seems, in the ordinary course of human affairs, particularly necessary for advancing and confirming the happiness of our country. While all men within our territories are protected in worshiping the Deity according to the dictates of their consciences, it is rationally to be expected from them in return, that they will all be emulous of evincing the sincerity of their professions by the innocence of their lives and the benevolence of their actions; for no man who is profligate in his morals, or a bad member of the civil community, can possibly be a true Christian or a credit to his own religious society.

I desire you to accept my acknowledgments for your laudable endeavors to render men sober, honest and good citizens, and the obedient subjects of a lawful government, as well as for your prayers to almighty God for his blessing on our common country and the humble instrument which he has been pleased to make use of in the administration of its government.

George Washington.

—1790, p. 24.

6. Pastoral Letter Occasioned by the Results of the French Revolution.

A pastoral letter from the General Assembly of the Presbyterian Church in the United States of America to the people in their communion:

Dear Friends and Brethren: The aspect of divine Providence, and the extraordinary situation of the world, at the present moment, indicate that a solemn admonition by the ministers of religion and other church officers, in General Assembly convened, has become our indispensable duty. When formidable innovations and convulsions in Europe threatened destruction to morals and religion, when scenes of devastation and bloodshed, unexampled in the history of modern nations, have convulsed the world, and when our own country is threatened with similar calamities, insensibility in us would be stupidity, silence would be criminal. The watchmen on Zion's walls are bound by their commission to sound a general alarm at the approach of danger. We therefore desire to direct your

awakened attention towards that bursting storm which threatens to sweep before it the religious principles, institutions and morals of our people. We are filled with a deep concern and awful dread whilst we announce it as our real conviction that the eternal God has a controversy with our nation, and is about to visit us in his sore displeasure. A solemn crisis has arrived in which we are called to the most serious contemplation of the moral causes which have produced it, and the measures which it becomes us to pursue.

With regard to the causes of those national calamities which we either feel or fear, a little reflection may convince us that these may be traced to a general defection from God and corruption of the public principles and morals. These usually keep an equal pace, and they uniformly precede the ruin of nations.

The evidences of our guilt are, unhappily, too numerous and glaring. We perceive, with pain and fearful apprehension, a general dereliction of religious principle and practice amongst our fellow-citizens; a great departure from the faith and simple purity of manners for which our fathers were remarkable; a visible and prevailing impiety and contempt for the laws and institutions of religion, and an abounding infidelity which in many instances tends to Atheism itself, which contemptuously rejects God's eternal Son, our Saviour, ridicules the gospel and its most sacred mysteries, denies the providence of God, grieves and insults the Holy Spirit—in a word, which assumes a front of daring impiety and possesses a mouth filled with blasphemy.

In the midst of the alarming situation of the public mind, which we have noticed above, we perceive a degree of supineness and inattention amongst too many of the ministers and professors of Christianity which seems to threaten a dissolution of religious society. Formality and deadness, not to say hypocrisy, a contempt for vital godliness and the spirit of fervent piety, a desertion of the ordinances, or a cold and unprofitable attendance upon them, visibly pervade every part of the Church, and certain men have crept in amongst us who have denied or attempt to explain away the pure doctrines of the gospel, to introduce pernicious errors which were either not named or named with abhorrence, but which have within a few years since been embraced by deluded multitudes. The Lord's day is horribly profaned and family religion and instruction lamentably neglected.

Our ingratitude to God enhances our dreadful guilt. No people have been more highly favored in our original establishment, our increasing prosperity, and particularly in our contest during the Revolutionary war and its prosperous issue; but, alas! we have basely forgotten our Benefactor. We have abused his favors and turned them into engines of opposition against himself. "He has nourished and brought us up as children, and we have rebelled against him."

The profligacy and corruption of the public morals have advanced with a progress proportioned to our declension in religion. Profaneness, pride, luxury, injustice, intemperance, lewdness and every species of debauchery and loose indulgence greatly abound. And "shall not the Lord visit us for these things? Shall not his soul be avenged on such a nation as this?" Are not our crimes enormous as they are numerous? Are they not peculiarly aggravated? Have we not known our Master's will, and refused, or at least neglected, to do it? Have we not possessed uncommon means of information with regard to our duty without a proportionate improvement? And have not our uncommon advantages been abused without shame or remorse? As surely as there is a righteous God, so surely will

he visit us in his just displeasure, unless his grace prevent by awakening us to a sense of our guilt and recalling us to the practice of our duty. Our circumstances loudly demand a public and solemn acknowledgment of God as our moral Governor and righteous Judge. It is time to cease from man, whose breath is in his nostrils, to look beyond second causes, and openly confess the hand and agency and government of God in the world. Let Christians unite more cordially and openly in adhering to their Master's cause and opposing infidelity in all its forms. God hath a controversy with us; let us prostrate ourselves before him. Let the deepest humiliation and the sincerest repentance mark our sense of national sins; and let us not forget, at the same time, the personal sins of each individual that have contributed to increase the mighty mass of corruption. Let the ministers of religion weep and intercede for themselves and a guilty people. Let all descriptions of persons lament their iniquities, and reform. Let us practice all righteousness. Let us be earnest and fervent in prayer that God, for the sake of the Lord Jesus Christ, would pour out his gracious Spirit upon ministers and people, and that he would revive his work, not only amongst our churches, but amongst all denominations of Christians, until the blessed promises and predictions, with regard to the extent of the Redeemer's kingdom, be completely fulfilled. Let us conduct ourselves as quiet and peaceable citizens, submitting conscientiously to the laws of our own making and the government of our own choice. Let us treat with candor and respect our civil rulers. Let us reflect that the Scripture precepts upon this subject are applicable to no people, if not to us, under a representative government; yet as in the present imperfect state of human nature differences in opinion must exist, let us carefully cultivate the sentiment of brotherly kindness and mutual forbearance and charity.

With a view to give the greater effect to the exhortation and admonitions in this letter expressed, we recommend that the last Thursday of August next be observed in all the congregations under our care as a day of solemn humiliation, fasting and prayer, and that the ministers of our communion do then read this letter to the people of their charge, and enforce the truth it contains in such discourses, founded on the word of God, as shall appear best adapted to effect so desirable a purpose.—1798, p. 152.

7. On the Disturbances in Kentucky and the South-west.

Christian Brethren: United to you in the bonds of love and of Christ, we feel all the constraint of the ties which bind us to you as one body in our common Lord. Assembled by the good providence of God in the supreme judicatory of the Church, we feel the duty imposed upon us, as the guardians of the peace, order and purity of the body of Christ, of addressing you on the great subject of our common salvation.

Dear brethren, we still have cause of mutual congratulations and joy on account of the increasing prosperity of Zion in these lands, which not long since were so dry and barren. They are in many places watered with the abundant dews of heaven, and righteousness has run down the streets of our Jerusalem like a mighty stream. God has appeared to revive his cause in the midst of the years of great declension, and in the midst of deserved wrath he has remembered mercy. In many parts of our Church God has poured out a spirit of prayer upon his people, and has been graciously pleased to answer their prayers by a copious effusion of his blessed Spirit. The boldness of infidelity and the profligacy of impiety have been greatly repressed; and though here and there we still be-

hold its violent struggles exerted against the Saviour, they appear to be only the convulsive struggles of despair. The truths of revelation are gradually acquiring a decided ascendency in all parts of our land, and in many they are daily coming home to the hearts of men with uncommon evidence and power.

For more particular information on these subjects we refer you, brethren, to that summary of the state of religion within the bounds of the General Assembly which accompanies this letter. You will there perceive, however, that amidst so many subjects of gratitude and praise to almighty God, for the riches of his grace displayed in the revivals of the spirit of religion in various portions of our Church, we have also some causes of deep affliction and regret mingled with them. Human frailty is apt to mar and disfigure, in some degree, whatever it touches, and the great adversary of souls and of Christ, taking advantage of the passions of convinced sinners, of the hypocrisy of deceivers and of the imperfections even of the best men, sets himself, often too effectually, to tarnish the beauty and glory of the work of God.

An unhappy separation of five, who had formerly appeared to be zealous and successful ministers of Jesus Christ in union with the Synod of Kentucky, has given no small occasion of grief to the churches. Too great an ardor of spirit for what they conceived to be the truth, and perhaps too great heat concerning the meaning and importance of words, have created a division which Christian charity should exert all its powers to heal. We beseech you, brethren, yet receive one another in the spirit of love and forbearance. Remember how divisions and contests between men engaged in the same glorious cause will wound the hearts of sincere Christians and distract the minds of the weak; remember how apt they are to embitter the meek spirit of the gospel and to quench the zeal of genuine piety in the unholy passions of strife and contention; remember, we entreat you, for the love of Christ, how the adversary will blaspheme and rejoice and the Redeemer be wounded in the house of his friends. Brethren, reunite your hearts and your labors in this blessed work, and let not its progress be arrested or its glory impaired by the baneful influence of your divisions. Meet together for the purposes of conciliation, using the counsels and aid of the Committee which the General Assembly has thought proper to send to you, to endeavor to repair so undesirable and dangerous a breach in the walls of our Zion. If you love the Lord, if you love and pray for the peace of Jerusalem, will you not sacrifice much to these objects so dear to every real Christian?

With not less regret have we heard of certain extravagances in the exercises and agitations of many persons who in this work otherwise so desirable have once been the subjects of strong religious impressions. That the sudden blaze of divine truth upon a mind hitherto covered with thick darkness; that a deep conviction of guilt and sense of the wrath of God against an offending worm of the dust, especially when these apprehensions are raised to the highest pitch by the power of sympathy, and the panic excited by the emotions of a vast assembly, should often produce strong bodily affections, is not surprising to those who are acquainted with the human economy; that the transports of a mind suddenly brought out of darkness into God's marvelous light, suddenly raised from the borders of despair to the ecstasies of religious hope and joy, should be accompanied with a similar influence on the nervous system, is not incredible.

The preceding are not pretended to be assigned as the certain or the sole reasons of many extraordinary appearances in some of our Southern

churches. It is sufficient to answer the views of the Assembly to show that causes are adequate to the production of the highest effects of this kind, in order to preserve them from the unjust imputation of a fanatical or demoniacal influence. But when bodily agitations, which in most instances disturb the serious, sober and rational exercises of the mind, instead of being soothed and restrained within the bounds of decency, are encouraged and excited by those who lead the worship and some who join in it, they very easily run into excesses highly reproachful to religion. When they go into antic gestures, ridiculous contortions, to movements of apparent levity, and contrary to propriety and religious order, and which resemble the effects of delirium, or of a spirit very different from the spirit of the gospel, these are evidences of a wild enthusiasm whose extravagances are infinitely various and unaccountable. When each person has a psalm, a prayer, a triumphant exultation, in the public worship of God, is not this the very evil which once took place in the Corinthian church, which the apostle severely reproves, saying, "God is not a God of confusion, but of order"? In genuine and rational religion, however high and fervent may be its affections, "the spirits of the prophets are subject to the prophets." And if so, surely this power is still more necessary for the sake of order in every ordinary Christian.

We strongly bear our testimony against those persons who pretend to immediate impulses and revelations from heaven, those divine communications which were given only to the prophets and apostles who were appointed by God to reveal to mankind the way of eternal life. When men presume that the Holy Spirit, contrary to the established order of providence, interferes by particular impulse to direct them in all the common affairs of life, when they deem themselves to be impelled by him to particular acts or particular religious exercises, contrary to the established order of the gospel and the obvious duties of the moment; when, finally, they pretend to miraculous powers or prophetic influences and the foretelling of future events, all these are evidences of a wild enthusiastic spirit, and tend eventually to destroy the authority of the word of God as the sole rule of faith and practice. Ecclesiastical history furnishes us with many examples of such enthusiastic impulses, following great revivals of religion, which have ever been strongly and uniformly condemned by the voice of the whole Church, as in the case of the French prophets, the fanatics of Munster, and we may add the fanatical Jews who sprung up in such numbers, and persevered with such obstinacy, even while the disasters of their city and their temple were daily refuting their predictions. And it will be a subject of sincere lamentation to us if any minister in our communion should unhappily be found to encourage such great evils. But we hope better things of you, though we thus speak.

Dear brethren and fellow-laborers in the gospel of our common Lord, study to prevent excesses so dishonorable and contrary to the beautiful order of the Church of Christ, or zealously endeavor to repress them wherever they begin to appear. In a great and general inflammation of the human mind we ought not to be astonished if these fervors, operating sometimes on weakness, sometimes on an enthusiastic temperament, should impel a few men to very considerable errors and excesses. Such have happened in every revival of religion, and in even every great political commotion, and such especially happened in various instances in the memorable and glorious reformation of the Christian Church from the spiritual thraldom and the errors of popery. By common concert and counsel endeavor to restrain every irregularity in the worship of God at its very commencement. Disorders of an enthusiastic spirit may often be checked

in the beginning with facility, which, when suffered to progress, come at length to overleap all the barriers of authority and burst through all the bounds of order and decency. Solemnly bear in mind, brethren, how much the great Head of the Church has committed his glory and the glory of his holy cause in the world to your activity and your faithfulness, to your prudence as well as your zeal.

And now, fellow-Christians, of every order and condition in life, we entreat you earnestly to co-operate with the public servants of Christ in promoting the glory and extension of the Redeemer's kingdom. Faithfully improve the precious season of divine grace which God is now bestowing on his Church.

By your prayers draw down the blessings of Heaven on your families, on the Church, on your country, on the world. God will appear for his people with a great salvation, but for all these things will he be "inquired of by the house of Israel to do it for them." Let your prayers for the prosperity of Zion continually ascend in secret to the throne of grace. Promote and encourage assemblies for social prayer. For Jerusalem's sake rest not, and for Zion's sake hold not your peace. Whenever God has appeared in any signal display of his mercy to the Church, he has usually, in the first place, poured out "on the house of David and the inhabitants of Jerusalem a spirit of grace and supplication." That we may continue to wait at his footstool, he condescends to bestow his special and extraordinary grace in answer to the prayers which he himself has inspired.

Parents, train up your children "in the nurture and admonition of the Lord." Your houses should be temples of the living God, in which should ascend to his mercy-seat the continual incense of your daily sacrifices. Pious parents can most affectionately preach to the hearts of their children by their affectionate precepts and their holy example. Your instructions will best prepare them to receive benefit from the public ordinances of religion. And oh, can you see those dearest portions of yourselves ready to perish without earnestly reaching forth a hand to "pluck them as brands from the burning"?

"Children, obey your parents in the Lord." You are the future hope of the Church and of the world. Your early piety will be your glory and your happiness. And remember that shortly the glory of your Creator and Redeemer in the world will rest with you.

Beloved brethren, Christians of every class, "be ye steadfast and immovable, always abounding in the work of the Lord." "Adorn the doctrine of God your Saviour" by the purity, the simplicity and sanctity of your lives, that the enemies of the cross may have no occasion to blaspheme the Master, by whose name you are called. Let God witness the humility of your spirit, the sincerity and fervor of your devotion. Let the world witness your ministerial charity and love, that others, "seeing your good works, may glorify your Father in heaven." We pray, dear brethren, that God may ever have you in his holy keeping. And now to Him that is able to keep you from falling, and to present you faultless before the throne of his glory with exceeding joy, to the only wise God our Saviour, be glory, majesty, dominion and power, both now and ever. Amen!—1804, pp. 314–317.

8. Pastoral Letter on the Sabbath.

The Committee appointed to draught a pastoral letter to the churches under the care of the Assembly, in relation to the due observance of the

Sabbath, reported the following, which, being read and amended, was adopted, viz.:

Dear Brethren: From the printed report transmitted to you on the state of religion in our bounds, you will perceive the prosperity which God has vouchsafed to our churches the past year; and you will, we trust, unite with us in praise and thanksgiving to his throne for his rich and condescending mercy. It is our duty to rejoice in this manifestation of the divine favor, but let us rejoice with fear and trembling. Many causes still exist which threaten to cloud our prosperity and to cover us with mourning. Lukewarmness, intemperance, profaneness, Sabbath-breaking, are prevailing sins in our land, and call aloud for our vigilance, our exertions and prayers.

While the Assembly would lift up a warning voice against every kind of iniquity, and recommend such measures as promise in any degree to correct the evils of which they complain, they deem it proper at this time to direct the attention of the churches more especially to the profanation of the Lord's day, a sin to which many are particularly exposed from the present calamitous state of our country.

Brethren, the God whom we worship is a jealous God—jealous for the honor of his institutions, but for none more than for that sacred day which he has commanded to be solemnly and exclusively appropriated to his service. Any profanation of this day is an immediate affront to his holiness, and when committed deliberately and openly may be classed among those presumptuous sins against which he has given us the strongest proofs of his displeasure.

The Lord has instituted the Sabbath a sign between him and his people—a visible test of their sincerity. If they violate the duties of this day, or fold their hands in supineness and indifference when they are violated by others, he will regard their offerings as hypocritical and vain. This consideration deserves your serious attention, and ought to awaken and animate your zeal. But it is more important that you should reflect that the sanctification of the Lord's day stands in close connection with all the institutions of religion and with the dearest interests of society. The visible worship of God can no longer be maintained than a sacred regard to this day is secured. In every past period of the world it has been seen that a departure from the strict observance of the Sabbath has been followed by a general neglect of religious duty, and this by a relaxation both of public and private duty, deeply to be deplored as it respects the peace and good order of society, and the spiritual and eternal interests of mankind. We hold as important maxims, never to be lost sight of, that without the Sabbath there will be no religion—without religion there will be no morality—and that where morality, sound and correct morality, ceases to form the basis of the public manners, the strongest bonds of society are dissolved, and nothing is to be expected but mutual jealousy and hatred, with all the crimes and miseries to which this painful and disordered state of things will lead.

Desirous, brethren, to engage you in a vigorous and combined effort to maintain the authority and influence of the Sabbath, we, as a judicature of Christ's Church, address you, and earnestly entreat you to renew your attention to this subject. Take it into your serious and prayerful consideration, view it in all its extent and relations, mark its connection with the temporal and spiritual interests of mankind—its aspect toward present and future generations. What shall become of our children, whose spiritual and eternal destiny we should chiefly regard, if we suffer the holy Sabbath to be violated and its sacred influence lost?

Resolve, then, brethren, for yourselves and for those committed to your care, that you will strictly observe the duties of this day, doing nothing which is incompatible with that religious sanctification of it so minutely explained and so solemnly enjoined in the word of God. Let there be no coming in or going out among you, no bearing of burdens on the Lord's day. Piously abstain in thought, word and deed from all your worldly avocations and amusements, and let the whole of this consecrated time be a rest unto God, employed only in the public and private exercises of religion, except such portions of it as are obviously due to works of necessity and mercy.

Where it is prudent and practicable, we recommend that societies be formed for the purpose of mutual encouragement and vigilance, and especially for guarding the Sabbath against encroachments made upon it by those who are unhappily ignorant of its blessings, and regardless of its authority and design. We invite to this subject the attention of parents and guardians, of ministers and elders of the Church. We entreat every friend of the Redeemer's kingdom, every one who regards the welfare of society, whatever may be his capacity or relation, to exert his influence in promoting a strict and devout observance of the Lord's day.

Need we remind you, Christian brethren, of the solemn command of Jehovah to "remember the Sabbath day and keep it holy"? Need we call to your recollection the awful threatenings which he has denounced and executed against those who have voluntarily disregarded this command? You know the history of his providence; you know that for this very sin, among others, his ancient people, the descendants of Abraham, were cast out of his sight, and their land made to enjoy that rest in desolation which they had refused to consecrate to him in the observance of days prescribed for his worship. We conclude by bringing to your remembrance those gracious words of the prophet: "If thou turn away thy foot from polluting the Sabbath, from doing thy pleasure on my holy day, and call the Sabbath a delight, the holy of the Lord, honorable, and shall honor him, not doing thine own ways, nor finding thine own pleasure, nor speaking thine own words; then shalt thou delight thyself in the Lord, and I will cause thee to ride upon the high places of the earth, and feed thee with the heritage of Jacob thy father, for the mouth of the Lord hath spoken it."

It was recommended by the Assembly that the ministers, on the day on which they read the foregoing letter, preach a sermon on the observance of the Sabbath.—1814, pp. 569, 570.

9. Pastoral Letter on Christian Activity.

The General Assembly of the Presbyterian Church in the United States to the churches under their care, wish grace, mercy and peace from God the Father, and from the Lord Jesus Christ.

Very dear Brethren: Assembled by the good providence of God as the supreme judicatory of our Church, we are constrained to address you, and to endeavor to impart to you some of those feelings to which our counsels have given rise, and which are suggested by the present aspect of the Church and the world.

From the printed "narrative of the state of religion within our bounds," which accompanies this address, you will learn that although we have heard of some facts which are matter of regret and humiliation, "the general aspect of the Church of God has never been more favorable, within our knowledge, than at the present time." The gradual increase of gos-

pel light, the extension of the blessings of education to all classes and ages, the growing diffusion of missionary zeal and exertions, the rapid multiplication of Bible societies, and, through their instrumentality, the wonderful spread of the knowledge of the word of life in languages and countries hitherto strangers to the sacred volume, the numerous associations for evangelical, benevolent and humane purposes which have arisen and are daily arising in every part of our bounds, and, above all, the converting and sanctifying influences of the Holy Spirit which have been poured out for some time past, and especially during the last year, in many of the congregations belonging to our communion, form an assemblage which cannot fail to be in a high degree interesting and animating to the friends of pure and undefiled religion—an assemblage which, while it gratifies for the present the pious and benevolent heart, must excite the most precious hopes for the future. Such mighty plans of benevolence, such wonderful combinations, such a general movement of mankind in promoting the great cause of human happiness, were surely never before witnessed. The days of darkness, we fondly hope, are passing away, and the period drawing nigh when the angel, bearing the trumpet of the everlasting gospel, shall carry his holy, life-giving message to every kindred and people and nation and tongue.

The General Assembly, standing, as it is their privilege to do, at the confluence of so many streams of information on these great subjects, while they communicate a summary of this information to the churches under their care, desire to accompany it with a word of affectionate exhortation, the object of which is to engage every heart and every hand in promoting, to the utmost of their power, the interests of that kingdom which is not meat and drink, but righteousness and peace and joy in the Holy Ghost.

At such a period, dear brethren, let it be impressed upon the mind of every member of our Church that we are called to humble, diligent, persevering exertion. Much has been done, but much more remains to be done, and much, we hope, will be done by us. Every day makes a demand upon the time, the affections, the prayers, the property and the influence of the people of God which it would be ingratitude, cruelty—nay, treachery—to repel. Let every one, then, in his place and proportion, endeavor daily to add something to the common amount of effort to prepare the way of the Lord. No one can tell how much it may please the sovereign Disposer of events to accomplish by means of the humblest exertions. This, however, we know, that those who are steadfast, unmovable, always abounding in the work of the Lord, shall find that their labor is not in vain in the Lord.

Let the ministers of the gospel in our communion be everywhere found engaged in preaching the truth as it is in Jesus with affectionate zeal. Let them go before the people in every holy example and in every pious and benevolent exertion. Let it be manifest to all that they seek not their own, but the things which are Jesus Christ's. Surely there never was a time when the watchmen on the walls of Zion were more solemnly bound to give themselves wholly to their work, or when they had more encouragement to plan and labor for their Master's honor. Surely there never was a time when those whose duty it is to guide the exertions of their fellow-men had more reason to feel their responsibility, and to ask for wisdom and strength from above. Let ministers take great and comprehensive views of the signs of the times and the prospects of the Church, and while they point out the way to those who are willing to be workers together with God, let it be seen that it is their meat and drink to share in the labors, as well as in the rewards, of their Redeemer's kingdom.

Let all the members of our churches consider themselves as called upon, in their several stations, to do something, to do much, for Christ. Millions of our race are still sunk in ignorance and depravity. Dark and waste places abound, even in our most populous and enlightened neighborhoods, and still more in the remote portions of our Church. In very large districts within the United States there are no Bibles, no Sabbaths, no sanctuaries, none to show men the way of salvation. Can a single heart be unimpressed or a single hand idle while such calls for compassion and exertion abound? No, brethren; these obligations, we trust, are too tender not to be felt, these calls too solemn not to be heard. Be entreated, then, with one accord to come forward to the help of the Lord against the mighty. Embrace every opportunity, to the extent of the ability which God has given you, to form and vigorously support missionary associations, Bible societies, plans for the distribution of religious tracts, and exertions for extending the benefits of knowledge, and especially of spiritual knowledge, to all ages and classes of persons around you. Exert yourselves individually and in combination to oppose all those degrading and destructive vices over which we have so long had reason to mourn. Endeavor by your example and your influence to discourage the unnecessary use of spirituous liquors, to promote the sanctification of the Lord's day, to guard against a criminal conformity to the world, to promote a general attendance on the means of grace, and to advance the great interests of truth, purity and righteousness in all manner of conversation.

In these hallowed labors let none refuse to join. It is among the distinguished glories of the commencement of the nineteenth century that pious females are more extensively associated, and more actively useful, in promoting evangelical and benevolent objects than in any former period of the world. Let them go on with increasing activity and ardor in these exertions, so worthy of women professing godliness, and so useful to mankind. And let them by precept, as well as by example, train up their daughters in principles and habits so well calculated to elevate the female character and to enlarge the sum of human happiness.

Let not even lisping childhood or tender youth be idle. Let every Bible class, every school association, every employment which brings your beloved children together, be made a medium for conveying to their minds that benign impression which shall enlist them on the side of truth and of the Church of God from the earliest dawn of reason. Happy congregations, happy families, in which even babes and sucklings shall be taught, as in times of old, to sing, Hosanna to him that cometh in the name of the Lord! Hosanna in the highest!

In a word, let your plans of co-operation in carrying on these works of piety and benevolence embrace every class and every age, and be pursued with growing ardor, until every congregation within our bounds shall be completely organized for exertion to promote the temporal and eternal welfare of men—until every heart that can lift a prayer to the throne of grace, and every hand that can cast a mite into the treasury of God, shall be fully engaged in this mighty effort of Christian charity—until the desert shall rejoice and blossom as the rose—until men, under the reign of millennial glory, we trust not far distant, shall live together as brethren indeed, having no other wishes than to promote their common happiness and to glorify their common God.

To these efforts in behalf of the cause of Christ join fervent united prayer. We need not remind you, brethren, that all Zion's blessings come down from her King and Head, and that he will be inquired of by his people to do for them that which they need and desire. We are per-

suaded that all those periods and churches which have been favored with special revivals of religion have been also distinguished by visible union and concert in prayer. We entreat you, brethren, to cherish this union and concert. We especially exhort you to pay renewed and more solemn attention to the monthly concert in prayer recommended by a former Assembly, and so generally and happily observed. Has not the Saviour promised that if any two of his people agree as touching anything they desire he will grant their request?

What blessings, then, may we not hope will be shed down upon the Church, when the thousands of our Israel are found bowing together before the throne of mercy, saying, "For Zion's sake we will not hold our peace, and for Jerusalem's sake we will not rest until the righteousness thereof go forth as brightness, and the salvation thereof as a lamp that burneth"!

Endeavor to maintain a spirit of harmony with all denominations of Christians. While you contend earnestly for the faith once delivered to the saints, and bear a faithful testimony to the apostolic doctrine and order which we profess to receive, let no bigotry or prejudice, no party rancor or offensive crimination, pollute your testimony. Remember that the period is approaching when all real Christians shall see eye to eye, when they shall be united in opinion as well as in affection. Cherish now the sentiments which correspond with this delightful anticipation. Let all bitterness and wrath and evil-speaking be put away from among you, with all malice, and continually look and pray for the happy period when believers of every name shall agree to act together upon the great principles of our common salvation.

Finally, dear brethren, be united among yourselves. If you desire to profit by your spiritual privileges, if you hope to be instrumental in promoting the cause of Christ or to be honored with his blessing, cherish harmony of affection and union of effort. Besides the common bonds of Christian love which unite the great family of believers, the ministers and members of the Presbyterian Church are cemented by a compact which every honest man cannot fail to appreciate. We mean the "Confession of Faith" of our Church. While we believe the Scriptures of the Old and New Testament to be the only infallible rule of faith and practice, we do also, if we deal faithfully with God and man, sincerely receive and adopt this confession as containing the system of doctrine taught in the Holy Scriptures. Let us adhere to this standard with fidelity, and endeavor to transmit to our children, pure and undefiled, a treasure which our fathers at great expense have, under God, bequeathed to us. But while we hold fast the form of sound words which we have received, let us guard against indulging a spirit of controversy, than which few things are more unfriendly to the life and power of godliness. It is never necessary to sacrifice charity in order to maintain faith and hope. That differences of opinion, acknowledged on all hands to be of a minor class, may and ought to be tolerated among those who are agreed in great and leading views of divine truth, is a principle on which the godly have so long and so generally acted that it seems unnecessary at the present day to seek arguments for its support. Our fathers, in early periods of the history of our Church, had their peculiarities and diversities of opinion, which yet, however, did not prevent them from loving one another and cordially acting together, and by their united prayers and exertions transmitting to us a goodly inheritance; and we hope to be favored with more than their success.

The great adversary will no doubt be disposed to sow the seeds of discord and division among you, but resist him in this as well as in all his

other insidious efforts. Surely those who can come together on the great principles of our public standards, however they may differ on non-essential points, ought not to separate or to indulge bitterness or prejudice against each other. Dear brethren, let there be no divisions among you, but be perfectly joined together in the same mind and in the same judgment. Follow the things which make for peace, and the things whereby ye may edify one another. Behold how good and how pleasant it is for brethren to dwell in unity! Brethren, farewell! Love one another, for love is of God, and every one that loveth is born of God, and knoweth God. Be of one mind; live in peace, and the God of love and peace shall be with you. Amen!

Signed by order of the General Assembly.

JONAS COE, *Moderator.*

Resolved, That two thousand copies of this letter be printed, and that the Committee superintend the printing.—1817, pp. 661–664.

10. ON PREVALENT VICES AND IMMORALITIES.

A Pastoral Letter from the General Assembly of the Presbyterian Church in the United States to the churches under their care.

DEAR BRETHREN: The time in which we address you is very important and interesting. The free conversation on the state of religion has exhibited abundant evidence that the churches under our care have never been in a more prosperous condition than during the last year. In the year immediately preceding, perhaps, special revivals were more remarkable and more numerous, but as it relates to the general extension of religious influence, the organization of new congregations, and the widespreading success of missionary labors, the aspect of the Church has probably never been so promising as at the present time; and when, in addition to this, we reflect on the various institutions, not only in our connection, but in the Christian world at large, calculated to extend the kingdom of our Redeemer, the zeal and liberality with which those institutions are supported, and the extensively beneficial effects which they are every day producing, we are obliged to consider the present moment as forming an important era in the annals of religion. A general movement of Protestant Christendom has taken place, an unusual blessing has descended on the Church of Christ, and we are probably approaching some day of the Son of man of no usual and ordinary character. The present, therefore, is no doubt a favorable time, not only for extending the influence, but for advancing the purity, of the Church, for the extirpation of any errors and the abolition of any unchristian practices which may have found entrance among us during the long period of comparative darkness and desertion through which we have passed. And although we do not believe that anything immoral or vicious is more prevalent now than at former periods, or even as much so, yet the existence of such things at the present time strikes the minds of serious Christians with an appearance of greater deformity, and fills them with more pungent regret as it is exhibited in such dark contrast with that promising and wonderful aspect of things so extensively displayed by the Christian world. The free conversation on the state of religion has brought some such things to our view against which we feel constrained to bear our decided testimony, and we would enter upon this duty with the tenderness and meekness, but at the same time with the firmness and authority, which becomes a judicatory of the Church of Christ.

The first thing we shall mention is the crime of drunkenness. This crime has at all times been a curse to our country, and has often made lamentable inroads upon our Church. We are convinced that it may be opposed more successfully by prevention than in any other way. When the character of drunkenness is fully formed, the unhappy victim is lost to those motives which ordinarily influence all other classes of men. In this state of things nothing but a miracle of divine grace can effect his reformation. The certain and acknowledged prospect of the wreck of his family, his fortune and his character, and even of the ruin of his immortal soul, is not sufficient to arrest his course; and yet perhaps the same man may formerly have been in such a state of equilibrium or indecision upon this subject that the smallest motives might have prevented the formation of a habit which in its maturity has become so irresistible. The consideration is certainly sufficient to justify an effort for saving our fellow-men from the domination of so destructive a vice. For this purpose we earnestly recommend to the officers and members of our Church to abstain even from the common use of ardent spirits. Such a voluntary privation as this, with its motives publicly avowed, will not be without its effect in cautioning our fellow-Christians and fellow-citizens against the encroachment of intoxication; and we have the more confidence in recommending this course as it has already been tried with success in several sections of our Church.

The vice of gambling has also been forced upon our attention. We indeed hope that few, or perhaps none, of our actual professors have indulged themselves in the practice of what they consider as coming under the denomination of gambling. But perhaps there are some addicted to this practice who have evinced a predilection for our Church and forms of worship, and who are not unwilling to receive the word of admonition from us. Such we would earnestly exhort to consider, in the most serious manner, the consequences of the course they are pursuing, and the awful lessons which the experience of the world is every day exhibiting on this subject. But it is our duty further to testify that all encouragement of lotteries and purchasing of lottery tickets, all attendance on horse-racing, and betting on such or any other occasions, and all attempts of whatever kind to acquire gain without giving an equivalent, involve the gambling principle, and participate in the guilt which attaches to that vice.

On the fashionable, though, as we believe, dangerous, amusements of theatrical exhibitions and dancing, we deem it necessary to make a few observations. The theatre we have always considered as a school of immorality. If any person wishes for honest conviction on this subject, let him attend to the character of that mass of matter which is generally exhibited on the stage. We believe all will agree that comedies at least, with a few exceptions, are of such a description that a virtuous and modest person cannot attend the representation of them without the most painful and embarrassing sensations. If indeed custom has familiarized the scene, and these painful sensations are no longer felt, it only proves that the person in question has lost some of the best sensibilities of our nature, that the strongest safeguard of virtue has been taken down, and that the moral character has undergone a serious depreciation.

With respect to dancing we think it necessary to observe that, however plausible it may appear to some, it is perhaps not the less dangerous on account of that plausibility. It is not from those things which the world acknowledges to be the most wrong that the greatest danger is to be apprehended to religion, especially as it relates to the young. When the practice is carried to its highest extremes, all admit the consequences to be fatal,

and why not, then, apprehend danger even from its incipient stages? It is certainly in all its stages a fascinating and infatuating practice. Let it once be introduced, and it is difficult to give it limits. It steals away our precious time, dissipates religious impressions and hardens the heart. To guard you, beloved brethren, against its wiles and its fascinations, we earnestly recommend that you will consult that sobriety which the sacred pages require. We also trust that you will attend with the meekness and docility becoming the Christian character to the admonitions on this subject of those whom you have chosen to watch for your souls. And now, beloved brethren, that you may be guarded from the dangers we have pointed out, and from all other dangers which beset the path of life and obstruct our common salvation, and that the great Head of the Church may have you in his holy keeping, is our sincere and affectionate prayer. Amen.

J. J. JANEWAY, *Moderator.*

June, 1818. —1818, pp. 689, 690.

11. On Revivals and their Abuses.

The General Assembly of the Presbyterian Church in the United States to the Ministers and Churches under their care.

Dearly Beloved Brethren: You will perceive by the narrative of the state of religion which we this year publish that the God of all grace has been pleased during the last year to pour out more copiously of his blessed Spirit on the people of our denomination in this land than perhaps in any period of equal extent in former times. For this signal and ineffable benefit we desire that you may unite with us in ascribing humble and fervent thanksgiving to Him from whom we have received this transcendent mercy, and "from whom cometh down every good and perfect gift."

And suffer us to remind you, dear brethren, that one of the best and most acceptable expressions of gratitude to God for the unspeakable favor we have received is to be exceedingly careful not to abuse it. It is of more importance than we know how to express that we should, together with much prayer for direction and aid from on high, use all our influence and put forth our best efforts to preserve the glorious revivals of religion with which we have been blessed from all that may mar their beauty and prevent their extension, and where anything of an injurious tendency has already taken place, that we should labor to correct the evil as speedily as possible.

Let it not be supposed, however, that we would willingly say anything that might encourage or countenance those who condemn all revivals of religion—condemn them because they may be attended by some errors and irregularities which it is readily admitted ought to be deplored and avoided. Far, very far, be this from us. Those who cherish an aversion to revivals of religion, because they are accompanied by imperfections and are liable to abuse, should recollect that there is nothing with which the human powers and passions have to do, whatever be its general excellence, that is not open to the same objection. In revivals of religion in which there are confessedly some things to be lamented—as there was in the abuse of the miraculous gift of tongues in the primitive church of Corinth—there may still be numerous and sound conversions of sinners unto God, and "what is the chaff to the wheat? saith the Lord." There remain in our land and in our beloved Church many congregations in which formality and a Laodicean spirit are mournfully prevalent. Little reason have they to felicitate themselves that they are free from all the extravagances

which they censure in others, and which it is not denied do exist in certain places and to a limited extent. Let them rather remember that a congregation in which many souls are born into the kingdom of God, although some false pretensions to piety and some censurable practices appear, is, on the whole, in a state infinitely preferable to that of a congregation in which hundreds are going quietly down to eternal perdition, and in which the wise virgins are slumbering and sleeping with the foolish. Let congregations of this latter description be exhorted to rouse themselves from their spiritual lethargy, make use of the means and efforts which God is wont to bless, and cry mightily to him that they may partake in those gracious visitations with which others are so remarkably blessed and distinguished—partake of them purified from all that is justly offensive either to God or man.

Having thus endeavored to guard against a misconstruction of our purpose, we desire, with parental solicitude and affection, to caution and warn the ministers and churches of our communion against some of the most common errors and improprieties to which revivals of religion are exposed, and from which, we grieve to say, some of the congregations within our bounds cannot plead an entire exemption.

1. In a time of the revival of religion let it be remembered that, while all proper means are to be used to deepen and cherish serious impressions, and to awaken and alarm the sinfully secure, *an undue excitement should be carefully avoided.* Here is a fruitful source to which may be traced nearly all the abuses which so often mar and deform and bring into disrepute the work of God, when sinners are awakened in clusters and led to inquire with great anxiety what they must do to be saved. If, instead of distinguishing deep and genuine and salutary conviction of sin and the mere effusions of animal passions and nervous sensibility, the latter are encouraged and stimulated as leading to a desirable issue, the most baneful effects are likely to ensue—effects multiform in appearance and character, but in all deplorable and pernicious. Therefore,

2. We advise that with tenderness, but yet with unshaken firmness, *all bodily agitations and noisy outcries,* especially in worshiping assemblies, be discouraged, and as far as possible prevented. Inculcate the truth that every appearance of this description is a weakness or an error which, so far from promising anything beneficial, is likely to lead to the most disastrous results—so far from deserving to be cherished and applauded is to be discountenanced and deprecated, and as speedily as may consist with Christian kindness and forbearance entirely suppressed.

3. Guard against every species of *indecorum in social worship*—such particularly as is manifestly apparent when several individuals pray or exhort or converse at the same time. This is an irregularity pointedly rebuked and forbidden by the apostle Paul in the xiv. chapter of his first Epistle to the Corinthians, and his summary and repeated injunction is, "Let all things be done to edifying; let all things be done decently and in order." But besides the particular irregularity specified, we would dissuade our brethren in the ministry and the eldership of our churches from introducing or countenancing any practice in their public religious assemblies which savors of ostentation, or which may have a tendency to ulterior evils that they would themselves deprecate and seek to avoid. We designedly leave this as a general but important monition, the application of which to particular instances or cases our brethren must judge of for themselves.

4. There may be in a revival of religion *an excess of social meetings and exercises.* That such meetings should be frequent in the time of a revival

we not only admit, but recommend. Yet it ought not to be forgotten that they may be carried to a hurtful extreme, and such an extreme they certainly reach when they encroach to any considerable extent on the ordinary duties of life, or when they leave very little time to the thoughtful and inquiring for private meditation, self-reflection and examination, secret prayer, reading the Holy Scriptures and other books of instruction, direction and serious exhortation which, as they have opportunity, they ought to peruse.

5. *Meetings of pious women by themselves* for conversation and prayer whenever they can conveniently be held we entirely approve. But let not the inspired prohibitions of the great apostle of the Gentiles, as found in his Epistles to the Corinthians and to Timothy, be violated. To teach and exhort or to lead in prayer in public and promiscuous assemblies is clearly forbidden to women in the holy oracles.

6. *Let not the settled order of churches be disturbed.* Let official elders be respected, and in the absence of pastors or other authorized ministers of the gospel, let the elders or deacons, or other Christians of standing and experience, rather than young converts, take the lead in the social exercises of religion.

7. *Listen to no self-sent or irregular preachers,* whatever may be their pretensions to knowledge, piety and zeal.

8. Let no doctrine inconsistent with the sacred Scriptures as explained and summarily taught in *the doctrinal standards of our Church* be promulgated and favored in any of our churches. That the word of God contained in the Old and New Testaments is the only infallible rule of faith and practice is a sacred principle which we steadfastly maintain. But when almost every description of persons who profess any regard to Christianity are ready to declare their adherence to the same principle, it becomes indispensable for Christians who would walk together in peace and order and comfort of the gospel to state in what manner they understand the great truths of divine revelation. This has been done by our Church in our Confession of Faith and Catechisms, and he who teaches any doctrine plainly and palpably inconsistent with the evident meaning of these excellent formularies should be regarded by Presbyterians as an *errorist* whom they ought not to encourage, but to discountenance, reject and avoid.

9. *Let not apparent converts be hurried into the Church* and brought to the table of the Lord without a careful examination, nor ordinarily without a suitable period of probation, by which the reality of their religion may be better judged of than it can be by any sudden indications, however plausible.

Nothing is more directly calculated to injure ultimately the cause of God and the credit of our holy religion than *urging or permitting individuals to make a public profession of religion* as soon as they have experienced some serious impressions and flatter themselves that they have been renewed in the temper of their minds. All experience shows that such persons often and speedily dishonor the profession, and not unfrequently become open apostates and sometimes avowed infidels. We know and admit that after all possible care which the churches can take instances of deception will occur, for it is the prerogative of God only to search the heart. But to use all proper means to preserve the purity of the Church and save religion from reproach is a sacred duty incumbent on all church officers, and it is a duty which, when faithfully performed, will to a great extent secure its object—the Church will rarely be disgraced by self-deceived hypocrites and eventual apostates. As well might men

pretend that no care should be taken to preserve their health, because disease cannot always and certainly be avoided, as that no care should be taken to preserve a sound state of the visible Church because its members and its ministers do in some instances, and despite of all precaution, become profligates and a public scandal. Let the Church do its duty, and leave the event to God.

10. Finally, let *no measures for the promotion of religious revivals* be adopted which are not sanctioned by some example or precept, or fair and sober inference drawn from the word of God. This is a safe general rule, applicable to numerous particular cases which we have neither time nor inclination to specify. Some variety of opinion will exist, and may lawfully and properly be indulged, in regard to the measures which are best calculated to produce revivals, and to conduct them, where they exist, to a happy result. But we earnestly counsel that for every measure contemplated a warrant be carefully and impartially sought in God's unerring word. If such a warrant can be fairly made out, let the measure be adopted, but otherwise let it be promptly abandoned, for it must be remembered that the Bible contains not only a *safe*, but a *complete*, rule of duty.

Thus, beloved brethren, we have raised our warning voice to caution you against certain things by which those displays of God's special grace which we denominate *revivals of religion* may be clouded and counteracted, and the incalculable benefits which might otherwise be derived from them may be finally and irretrievably lost. Let us receive instruction from past times; let us for a moment turn away our attention from all that is now passing in our country to what was witnessed in the days of the celebrated evangelist Whitefield, and at a still later period in the south-western parts of our land.

In both these instances there was certainly a most powerful and promising religious awakening, and for a time the happiest effects were experienced. Numerous conversions of a solid and lasting character took place, and many and most desirable additions were made to the Church of Christ. But through the subtilty of Satan, and the inflamed and misguided passions of men, doctrines were at length taught and measures adopted—with a view, as it was loudly proclaimed, to promote and extend the revivals—which were speedily followed by the most disastrous consequences. The Holy Spirit was grieved away; excesses which shocked all sober minds succeeded; every form of fanaticism and religious error appeared; soon the passions, which had been raised to their highest tone, subsided into apathy and carelessness in regard to all religion; a season of the most lamentable spiritual declension and deadness followed; infidels multiplied and infidelity proclaimed its triumphs; revivals of religion were reproached and ridiculed, and a deep prejudice against them was excited and fostered which, in some places and in many minds, has not yet been removed.

It is, dear brethren, to prevent the recurrence of such evils as these that, with great solicitude for your welfare, we entreat you to be on your guard. Think not that vigilance, caution and prayer in relation to the abuse of revivals are superfluous. Hear on this subject the eminent and justly-venerated President Edwards. He remarks that in a time of revival the chief exertions of the great adversary will be likely to be made with the friends and promoters of the work, to drive them into such excesses and extravagances as shall ruin its credit and ultimately bring all religion into disgrace. And in this his success will be rendered the more probable if he can first persuade such persons that they are in no danger on that

side. It was "while men slept" that the enemy came and "sowed tares;" not while they were in a state of indifference, but while they were not watching against his devices. It is not while men are in a state of indifference that the false conversions represented by the tares are brought in, but while men are asleep in a far different sense, while their passions are in such a state of excitement as blinds their minds to the danger. Then the great deceiver can work to the best advantage both in promoting false conversions and in leading into dangerous extremes those who are zealous promoters of the work.

Such is the monitory language of at once the most powerful defender of revivals of religion and the ablest corrector of their abuses which our country has ever seen. Let us hear and regard his voice, uttered, as it is, in concert with the voices of men the most distinguished for wisdom, piety and prudence, from the period of the Protestant Reformation to the present hour. Doing thus, and looking earnestly to our covenant-keeping God to crown our endeavors with success, it is scarcely too much to hope that revivals of religion will spread throughout our whole land, and that their heavenly influence and lustre will continue and increase till they mingle with the noontide splendor of the millennial day.

Signed by order of the Assembly. JAMES HOGE,
June 1, 1832. *Moderator.*

—1832, pp. 377–380.

[The pastoral and circular letters of the Assembly of 1837 are omitted here. They may be found in Baird's Col., Rev. Ed., pp. 760–763, and New Digest, pp. 495–506. The pastoral of 1838, O. S., may be found in Baird, pp. 780–784. That of 1838, N. S., in New Digest, pp. 522–526.]

12. Letter of the General Assembly to the Churches under its Care on the Maintenance of Doctrinal Purity.

a. Dear Brethren: The General Assembly, being the bond of union, correspondence and mutual confidence among all the churches, has authority to reprove, to warn or bear testimony against error in doctrine or immorality in practice. It is bound to exercise this prerogative whenever the Church is exposed to any particular danger, or needs admonition or exhortation with regard to any special duty. Believing that the present circumstances of our Church render the duty of maintaining a faithful adherence to our standards of doctrine and discipline peculiarly necessary, the Assembly desire to call attention to this important subject.

God has been pleased to bring us through a protracted and arduous conflict, in which we have been contending for the truth and order of the Church. While we gratefully acknowledge his goodness in crowning our efforts to sustain our standards with success, it becomes us to look back and see wherein we have sinned, that we may penitently confess our errors and learn wisdom for our future guidance. It is not our object on this occasion to point out the various particulars in which the past conduct of our Church may have offended God, but simply to call the attention of our ministers and members to what, in the judgment of this Assembly, has been the principal source of our long continued difficulties. Our great error has been a want of fidelity to the fundamental principles of our ecclesiastical compact. It is important, therefore, that these principles should be distinctly stated, and the duty of adhering to them be urged upon the Church.

Our fathers taught that God alone is Lord of the conscience, and hath left it free from the doctrines and commandments of men which are in

anything contrary to his word, or beside it, in matters of faith and worship, that saints by profession are bound to maintain a holy fellowship and communion in the worship of God, and in performing such other spiritual services as tend to their mutual edification, and that this communion, as God offered opportunity, is to be extended unto all those who, in every place, call upon the name of the Lord Jesus. In perfect consistency with these principles of liberty of conscience and communion of saints, they held that every Christian Church or association of Churches is entitled to declare the terms of admission into its communion, and the qualifications of its ministers and members, as well as the whole system of its internal government which Christ has appointed.

b. The terms of Christian communion adopted by our Church have been in accordance with the divine command that we should receive one another as Christ has received us. We have ever admitted to our communion all those who, in the judgment of charity, were the sincere disciples of Jesus Christ. If, in some instances, stricter terms have been insisted upon, if candidates for sealing ordinances have been required to sign pledges, to make profession of anything more than faith, love and obedience to Jesus Christ, these instances have been few and unauthorized, and therefore do not affect the general character of our Church. We fully recognize the authority of the command: "Him that is weak in faith receive ye, but not to doubtful disputations." The application of this command is entirely confined to private membership in the Church. It has no reference to the admission of men to offices in the house of God. On the contrary, we observe that, with regard to ministerial communion, or the qualifications for admission into the office of the ministry, the command of God is that a bishop must be blameless, apt to teach, holding fast the faithful word that he may be able by sound doctrine both to exhort and convince the gainsayers. In obedience to this command, the founders of our Church, and all who have entered it with enlightened views and honest intentions, have declared to the world and to all other Christian Churches that the system of doctrine contained in the Westminster Confession of Faith and Catechism is that sound doctrine which we are to require in all those who seek the office of a bishop. So also our Form of Government requires of elders and deacons, who are not teachers, but rulers and stewards in the house of God, a no less unequivocal and public profession of adherence to our standards; and in this the Scriptures abundantly sustain our principles. When the elders and deacons of a church become lax or heretical in their doctrinal views, they may, and often do, adopt measures as subversive of the doctrine which is according to godliness as could be any measures resorted to by the pastor of the Church.

Such are the principles on which our Church was founded, and on which for more than a century it was faithfully administered. It is believed that during all that period no one was debarred from the communion of saints who was regarded as a sincere disciple of Christ, and that no one was admitted to any office in our Church, or if admitted was allowed to retain his standing, who dissented in any material point from the system of doctrine contained in our standards. That this latter principle of our Constitution has of late years been in many cases culpably disregarded is a matter of general notoriety. Many ministers have been received into our Presbyteries who never adopted our Confession of Faith, and many others, bishops and elders, who professed to adopt it have been allowed publicly to avow opinions subversive of its distinguishing doctrines. The General Assembly bears its solemn testimony against this

unfaithfulness. It enjoins on the Presbyteries, on the one hand, to abstain from making anything a condition of ministerial communion which the Constitution does not prescribe, and on the other to be firm and faithful in demanding everything which the Constitution enjoins. In giving this injunction the Assembly requires nothing that is unjust or unreasonable. No man has a right to join any society unless he is willing to submit to its rules. Much less has any man the right to assume the office of teacher, ruler or steward in a church unless he fully assents to its doctrines. All those who approve of the doctrines which we are pledged to sustain, and who are otherwise qualified for the work, we cordially welcome to our fellowship, and promise them our confidence and support. But we protest against the unfairness of those who adopt our standards in a sense different from their obvious import, contrary to the known and generally received interpretation, as a dishonesty and an injury against which the Presbyteries are bound to protect the churches, and against which the churches should both watch and pray.

c. The Presbyteries should remember that they are not independent bodies, each acting for itself alone, and therefore at liberty to receive any candidate whom they may suppose is qualified to do good. The Presbyteries are co-ordinate members of an extended communion bound together by a written compact. When, therefore, they admit a member who has not the constitutional qualifications, they are guilty of a breach of faith. So also the churches and sessions are not at liberty to desire and urge the election and ordination of any of their own number to any office in the church, or to approve of their continuance in such office, unless they are known to be men who hold fast the form of sound words and show in doctrine uncorruptness.

Were the points in regard to which the Presbyteries, sessions and churches are thus exhorted to adhere to the Constitution mere matters of form, the duty would still be binding; but as they relate to the truth of God, it is the more obligatory and important. The truth is a sacred deposit which we are bound to treasure and transmit uncorrupted. It is the fire upon God's altar which we are to watch, without which there can be no acceptable offering, and which, if once extinguished, can hardly be rekindled. The sanctuary remains dark and desolate for ages. The history of the Christian Church is one solemn admonition on this subject. Indifference to truth is one of the first and surest indications of the decline of religion in any communion. Men cannot be indifferent to what they see and feel concerns their own salvation. The Assembly, therefore, would deplore any manifestation of such indifference, and would warn all in our communion against its insidious approaches. It may put on the guise of liberality or assume the name of charity, but its nature is not thereby altered. It is only the more dangerous from these false assumptions.

d. We should ever remember that truth is in order to goodness, that the great touchstone of truth is its tendency to promote holiness, that no opinion can be either more pernicious or more absurd than that which brings all opinions upon a level, and represents it as of no consequence what a man believes if he be sincere. On the contrary, we should ever remember that there is an inseparable connection between faith and practice, truth and duty. (Form of Government, chap. i., sec. iv.) The Assembly is the more earnest on this subject, as the most subtle errors to which our churches are at present exposed are intimately connected with experimental religion. It is true indeed that the forms of error in our day vary from the refinements of Arminianism to the grossest atheism, from high Arianism to the lowest humanitarianism, and from the most abstruse meta-

physical philosophy, touching free will, moral agency and sin, original and actual, to the bold and daring denial of all accountability and of the moral government of God. It is neither possible nor necessary for the Assembly to enter into a detail of these various and varying forms of error. But it is proper briefly to allude to a few of the more subtle character, held by men who have been, and are still desirous of appearing to be, entitled to our confidence. We observe, therefore, that it has been openly taught in works widely circulated and highly recommended that self-love is the ultimate foundation of moral obligation; that the reason why we are bound to do right is that it will make us happy; that our obligation to obey God does not arise out of our relation to him as our Creator, nor out of his infinite excellence, but from the fact that he knows best what will promote our happiness. How can a man have proper sentiments toward God who entertains such views? How can self be thus made the centre, the beginning and the end of religion and morality, and yet true piety flourish in the soul? How is God degraded and man exalted! How is the eternal distinction between right and wrong, holiness and sin, obliterated, and all religion made a mere calculation of profit and loss by such a doctrine!

It has still more frequently and undisguisedly been taught that such is the nature of free agency that God cannot certainly control the acts of moral agents; that he could not prevent the introduction of sin into a moral system, nor even the present amount of sin; that he does all he can for the conversion of all who hear the gospel. This doctrine has, from the beginning of the Christian Church, been the dividing line between the friends and the enemies of the doctrines of grace. It is one of the fundamental principles of that system which is known among us as the new divinity. If this doctrine is true, God is dependent and uncertain in his plans, his promises are all precarious and prayer is a mockery.

The doctrine of original sin, as taught in our Confession of Faith and as held by all the Churches of the Reformation, has been extensively repudiated. Yet this doctrine not only lies at the foundation of the whole system of redemption, but is most intimately connected with religious experience. The new doctrine denies the corruption of our nature; it makes the evil that is in our hearts a light matter, to be overcome by volition, by a mere change of purpose. Regeneration, therefore, is an easy work—as easy as a change of determination regarding a profession or a journey. The change itself is generally different from what the Christian world has hitherto regarded it. It is a mere choice of a different source of happiness—a choice made from self-love and for self-gratification. What kind of religion is that, brethren, the very essence of which is not the love of God, but the love of self?

The sinner, moreover, according to this system, is not dependent on the sovereign mercy of God; he has, independently of the influence of the Holy Spirit, full power to change his heart and perfectly keep the law of God. The work of the Spirit, though occasionally introduced into the writings of the advocates of these views, seems entirely out of place and heterogeneous. Instead, therefore, of having the prominence which it has in the word of God and in the writings of the Reformers, it is subordinate, secondary and unimportant.

The Assembly would further remind you that radical error regarding the priestly office of Christ, and our justification through him, has been and is extensively taught. Our standards of doctrine teach that Christ, as a priest, "offered himself a sacrifice to satisfy divine justice," and that we are justified by the righteousness of Christ, consisting in his obedience,

and in offering of himself a sacrifice for sin, "imputed to us, and received by faith alone." The Scriptures declare that Christ, "through the eternal Spirit, offered himself without spot to God." Here is language not equivocal, and it is easy of apprehension. Need we inform you that there are those who subvert this truth, who deny that Christ, as a surety, made a legal satisfaction for our sins, or that he wrought out a righteousness which is imputable to us for our justification in the sight of God? Such tell you, in the face of the Bible and of what you have been taught, that justification is a sovereign act of pardon, that it takes place in every instance by a suspension of the regular order of distributive justice, and that the death of Christ was a mere exhibition of the desert of sin in the abstract, producing no other effect than that of changing the moral feelings and character of the sinner. Thus divine truth and justice are dishonored in our salvation. We are not mistaken when we say to you that this most unreasonable and pernicious error is extensively propagated. Let it prevail, and God is dishonored, the only hope of a convinced sinner is taken away, and there remains for him nothing but the wrath of incensed, unappeased justice. As your friends we warn you to be guarded against such departures from the faith of Jesus to another gospel—a gospel which subverts the foundation of all your hopes; which denies "that Christ died for our sins, according to the scriptures;" that "he *bore our sins* in his own body on the tree;" "that the Lord laid on him the iniquities of us all;" that "Christ hath redeemed us from the curse of the law, being made a curse for us;" and that he is thus "set forth" in the blessed gospel, "a propitiation, through faith in his blood to declare God's righteousness, in the remission of sins that are past," that he might be just, "and yet the justifier of him that believeth in Jesus." Such truth as the Saviour's actual substitution for sinners is fundamental to the plan of our salvation, and cannot be surrendered without an entire subversion of the gospel system.

This whole system, in making self-love the ground of all moral obligation, in denying the corruption of our nature, in exalting the power of man, in depreciating the necessity of the Spirit's influence, in misrepresenting the nature of the work of Christ, is in direct hostility to evangelical religion, and as this Assembly solemnly believes, cannot prevail without bringing death and desolation upon the churches. We therefore warn all our ministers and members against this system of error, and enjoin on all our Presbyteries to be firm and faithful in resisting its approaches. The Assembly lays claim to no new powers, it prescribes no new tests, it lays down no new terms of ministerial communion. It bears its testimony against prevailing errors, and it requires that those who are set as teachers and guides over the churches committed to its care should preach the doctrines which they profess to believe.

e. Let our churches and judicatories, then, in humble dependence upon God, and in a spirit of meekness and love, adhere faithfully to the great principles of our ecclesiastical compact, never demanding more than the Constitution requires, and never being contented with less.

In order to secure doctrinal purity in our churches, it is absolutely necessary that Presbyteries be faithful in guarding with sedulous care the entrance into the ministry in regard to the piety, the orthodoxy and the learning of the candidates. These three grand qualifications are not independent of each other, but intimately connected. Our Book of Discipline requires that before any person is received as a candidate he should be subjected to an examination in regard to his piety and his motives for seeking the sacred office. There is too much reason to fear that this ex-

amination, in many Presbyteries, is slight and little more than a form, as we seldom hear of any persons rejected or kept back for want of evidence that they are truly converted. Unless Presbyteries pay a special attention to this subject, the Church will be overrun and ruined by unconverted ministers; and such are not only incapable of guiding inquirers in the way to heaven, but possessing no sincere love to the distinguishing doctrines of the Bible, they will be constantly inclined to conceal them, to set them aside or to reject them altogether. On this subject the General Assembly would solemnly admonish all the ministers and elders in our communion to exercise a faithful care, and also to be thorough, in the examination into the theological opinions of candidates. It has been found by sad experience that it is not sufficient for candidates in the general to answer the questions proposed in our discipline; this they will often do, while they entertain opinions diametrically repugnant to some plainly expressed articles of faith, and will go on and inculcate their erroneous opinions. This arises from a false notion respecting the true principles on which our formularies should be adopted, of which we have already spoken. Few young men are so lost to honesty that they will before Presbytery avow opinions which they do not believe, although they will often conceal their real opinions unless they are elicited by a searching examination.

The General Assembly feel it to be of unspeakable importance that weak, ignorant and imprudent men should not be introduced into the ministry. Such men, though incapable of doing much good, even if pious, yet may do immense mischief to the cause of true religion, and only serve to bring the holy ministry into contempt—a result against which we are repeatedly admonished in the sacred Scriptures. It is not enough to increase the number of the clergy. The Church's wants cannot be supplied by merely multiplying the number of ministers unless they are well qualified for the duties of the sacred office. Indeed, the greater the number of unsound or ignorant ministers, the greater the injury to the Church.

f. Another thing of great importance in securing and promoting purity of doctrine is the election of suitable men to the office of ruling elders. Frequently it is found that men of intelligence and influence, who are members of the Church, shrink from this office, on account of the difficulties which attend the performance of its duties. This disposition to avoid the responsibilities of the office the Assembly cannot but consider as a dereliction of duty deserving censure. A sound, intelligent and faithful eldership is essential to the successful operation of our system. Every effort should be made, therefore, to make this class of office-bearers what the plan of Presbyterian Church government contemplates.

g. The General Assembly feel it to be important to enjoin upon all pastors the more frequent and diligent use of our formularies of doctrine. They would recommend that the sessions of our churches hold frequent meetings for free conversation, and for the study of our doctrinal formularies as well as our discipline. They also reiterate the injunction, so often given, that great care be taken in every church to have the Shorter Catechism taught to all the youth, except that, if a class can be formed for learning the Larger Catechism, such young persons should be encouraged to commit this excellent summary of Christian doctrine. It would be satisfactory to the people, and would confirm them in the belief of the doctrines of our Church, if ministers would more frequently refer to the language of our Confession and Catechisms, and would occasionally adopt the very words of our formularies in their sermons and lectures. They also recommend that with the Catechisms the Scripture proofs ought to be

carefully learned, that the people may have their faith founded, not on the authority of men, but of God.

h. The General Assembly also feel it to be incumbent on them to give a warning against false teachers. The Scriptures abound with solemn admonitions on this subject, and such admonitions have always been needed, and are at this time peculiarly seasonable. Those in every age who have propagated error have been characterized by various insidious arts, by which the truth has either been subverted or so adulterated as to have its beauty disfigured and its efficacy destroyed or diminished. These false teachers are numerous and cunning and bold. They beguile unstable souls. If it were possible, they would deceive the very elect. It was a commendable feature in the character of one of the churches of Asia that she had tried certain false teachers who said that they were apostles, and had found them liars. Remember, brethren, that though an angel from heaven should bring to you any other doctrine than that ye have already received from the inspired writers, he is accursed; and if any come to you and bring not the doctrines of the gospel, receive him not into your houses, neither bid him Godspeed, lest ye be partakers with him in his evil deeds. Beware, then, of wolves in sheep's clothing. Beware of those who by good words and fair speeches beguile unstable souls.

i. The Assembly cannot refrain from a solemn warning to all their churches against books containing erroneous doctrines, however they may come recommended by men in high places. The Assembly is fully convinced that all our ministers and members ought with the greatest care to guard this subject, and see that they become not the patrons of books already published, or proposed to be published, unless they are well certified of their character.

The Assembly, moreover, feel constrained to admonish the churches of the great importance of taking and reading only such periodical papers as have the character of being sound in doctrine and advocate the genuine principles of Presbyterian government and order. It is by no means our wish to interfere in the least with the liberty of the people to buy and read such publications as they judge best, but it is our privilege and duty, in all cases where the truth of God, or the order of his house, is concerned, to *admonish* and *warn* all those who in the providence of God are placed under our watch and care; and when but one religious paper is taken by a family in our connection, it is surely not unreasonable to advise and expect that it be one which can be recommended by the ministers and judicatories of the Presbyterian Church. We are convinced that the difficulties in which our beloved Church has been involved have been in no small degree owing to the periodical press, and we confidently believe that unless more care be taken to guard against the circulation of unsuitable papers in our churches, the same evils from which we have escaped will again come in upon us, notwithstanding all the efforts of the pulpit to counteract them. But the only effectual remedy for the evil of which we complain is in the hands of the people. Let every member of the Presbyterian Church resolve to introduce at least one weekly paper into his house, and let that be such an one as will in all respects have a salutary influence on those who peruse it.

It would be invidious to designate particular periodicals, and this is entirely unnecessary. Let the person who wishes to subscribe for a religious newspaper take the advice of his pastor or of some judicious friend on whose honesty and judgment he can depend. The General Assembly would press this subject on the attention of their people. It has hitherto been too much overlooked, but it is becoming evidently of primary im-

portance. It is in vain that the pastor inculcates sound doctrine on the Sabbath day, if through the week the people are occupied with books, tracts and papers which insinuate, and even inculcate, a contrary doctrine.

j. In conclusion, the General Assembly would solemnly inculcate on all classes of persons a profound reverence for the holy Scriptures. These are the oracles of the living God. "To the law and testimony, if they speak not according to these, it is because there is no light in them." There are few things more alarming, as it relates to purity of doctrine, than the bold and unauthorized interpretations put on certain portions of the word of God by serious persons in order to maintain some favorite principle adopted by them, and which, before they begin their inquiries, they confidently presume cannot be contrary to the word of God. Instead, therefore, of humbly submitting their own opinions to the divine authority, speaking in the sacred Scriptures, they have the audacity to wrest the truth of God and bend everything to suit their own preconceived sentiments. Against all such profane handling of the word of God the Assembly lifts up its voice of warning.

And, finally, as the Holy Spirit was promised to be a guide into all truth, and as this most precious gift is still granted to the Church in answer to prayer, let all who love the truth, and desire to see it universally prevail, never cease to pray for this blessing, which is indeed the rich source of all good things. The strenuous defenders of the truth have been charged with holding and being contented with "a dead orthodoxy." Let us roll away this reproach as far as there is any foundation for it. While the truth may be held in unrighteousness, there is surely no natural connection between orthodoxy and dead formality. The importance of truth is such that there can be no right feeling without it; and although ignorance or error in regard to some truths may be consistent with a state of grace—for otherwise who could be saved?—yet every truth of revelation is precious and important, so that if any portion of it is never brought to bear on the mind and heart, just so far there will be a defect in the Christian character. Just as if a seal on which is engraved a certain image or inscription, if it be ever so little marred or mutilated, in the same degree leaves an imperfect impression on the wax.

Dear brethren, receive in good part our exhortation. We sincerely aim to promote your spiritual welfare. Our lot is cast in an eventful and critical period as it relates to our ecclesiastical affairs. After much and long agitation, a great schism has occurred. A large number of those recently comprehended in the same denomination with us have now gone out from us. In this whole transaction the providence of God has been very remarkable. Let us now endeavor, as becomes the sincere disciples of the meek and lowly Jesus, while we *contend* for the faith once delivered to the saints, to be careful not to *strive* about words to no profit or with a spirit unbecoming the Christian character. Faith and Charity are twin sisters, and should never be separated. See that ye love one another with a pure heart fervently. Brethren, the grace of our Lord Jesus Christ be with you all.—1839, p. 183, O. S.

13. Pastoral Letter on Revivals of Religion.

Dear Brethren: With pious delight your fathers have often told you of the wonders which God wrought in their day when he poured out his Spirit on ministers and people. Yea, many of you have been eye-witnesses of his majesty and grace in his visits to the churches. You can remember the time when well-authenticated accounts of glorious revivals

were found in almost every number of our best religious journals. It has caused deep sorrow to lively Christians that for several years past comparatively few extensive and powerful revivals of religion have been reported to the Assembly. With gratitude to God we acknowledge that he has not utterly forsaken us, nor left us to an entirely fruitless ministry and barren ordinances; but still the ways of Zion have mourned, and few have come to her solemn feasts. We are happy to say that for a few months past tokens for good have appeared in various quarters. Some of the Presbyteries report that God is with them of a truth. These mercies, so rich and so seasonable, have turned our attention with renewed hope to the exceeding great and precious promises of God. They recall to our mind those gracious chidings of our heavenly Father: "O thou that art named the house of Jacob, is the Spirit of the Lord straitened? Are these his doings? Hast thou not known, hast thou not heard that the everlasting God, the LORD, the Creator of the ends of the earth, fainteth not, neither is weary? He giveth power to the faint, and to them that have no might he increaseth strength." We doubt not that these and similar admonitions of God's word, together with some recent revivals, were designed to rebuke our unbelief and to encourage in us the hope of more copious blessings. This is the manner of God with his people, as may be seen in many parts of Scripture. Thus he said to the Jewish Church, "I am the Lord thy God, which brought thee out of the land of Egypt; open thy mouth wide, and I will fill it." Thus, too, when, by examining the prophecies of Jeremiah, Daniel, then a captive in Babylon, learned that God had purposes of mercy to his people, and was about to deliver them, he was greatly encouraged, and "set his face unto the Lord God, to seek by prayer and supplications, with fasting and sackcloth and ashes."

In like manner, we live in a time when there is much to deplore, and yet much to hope for. The very dispensation under which we live is by inspired men called "the ministration of the Spirit." Under it the Church may well pray in hope for blessed effusions of the Holy Ghost, who is by Christ himself called "the promise of the Father." Many large prophecies concerning the latter-day glory are now fulfilling, and others yet more ample must soon be fulfilled. After a long period of coldness a renewed warmth of love and zeal and activity has been granted to some. We hope it will soon be extended to many. For God has said, "I will assemble her that halteth, and I will gather her that is driven out and her that I have afflicted." It was specially to the Gentile Church that God said, "Thy Maker is thy husband; the LORD of hosts is his name; and thy Redeemer the holy One of Israel. For a small moment have I forsaken thee, but with great mercies will I gather thee. In a little wrath I hid my face from thee for a moment, but with everlasting kindness will I have mercy on thee." In view of these things we now address you.

You will not misunderstand us as exhorting you to do anything by which a spirit of fanaticism should spread among us. Nothing is farther from our wishes. A wild enthusiasm, just so far as it prevails, will mar or ruin the interests of vital piety. It begets the very worst state of things. It finally induces skepticism, laxity of morals, a forsaking of the house of God and general irreligion. We therefore hope that you will do and seek nothing inconsistent with the sobriety of the gospel, the decorum of public worship and the gravity and gentleness which the word of God everywhere enjoins. We seek to promote, not confusion, but order, not blind and bitter, but wise and benevolent, zeal. A pure revival will always be marked by "the wisdom that is from above, which is first pure, then peaceable, gentle and easy to be entreated, full of mercy and good fruits, with-

out partiality and without hypocrisy." "The fruit of righteousness is sown in peace of them that make peace." If the King, most mighty, shall "ride prosperously" in the earth, it will be "because of truth and meekness and righteousness."

Having thus guarded against misconstruction, we beseech you, brethren, to remember that a state of indifference to spiritual things is a great offence in the sight of God. It is indeed the very core of depravity. Not to be greatly affected by divine things may be consistent with a decent profession of religion in a low state of the Church, but it is a great sin against God. How terrible are the rebukes of the Almighty to the lukewarm! He says he "will spew" them out. He says: "Woe to them that are at ease in Zion." All persons who promote this state of things in the Church are very offensive to God. He says: "Woe unto the women [certain prophetesses] that sow pillows to all armholes." Deplorable indeed is the state of any people whose watchmen cry Peace, peace, when there is no peace. Deadness, negligence, earthly mindedness and vanity in ministers, elders, deacons or private Christians, are extremely abominable to God. A supine carelessness and a vain, carnal, worldly spirit in ministers or people is the worst madness and distraction in the sight of God. Sound, sober discretion is always to be sought, but worldly policy is the bane of godliness. Carnal prudence is the plague of any church into which it gains admission. When there is none that "stirreth himself up to take hold of God," he hides his face and consumes us because of our iniquities. Proper means are therefore to be used, and in a proper spirit too; especially—

Prayer.—How full are the Scriptures on this point! "Call upon me in the day of trouble; I will deliver thee, and thou shalt glorify me." "Ask, and it shall be given you, seek, and ye shall find, knock, and it shall be opened unto you." It is as true now as in the days of Elijah or of James that "the effectual fervent prayer of a righteous man availeth much." "If ye, being evil, know how to give good gifts unto your children, how much more shall your heavenly Father give the Holy Spirit to them that ask him." Here "the Holy Spirit," the very blessing which we need in all our bounds to enlighten, renew, sanctify and comfort, is sweetly and assuredly promised to them that ask. Let us humbly, fervently, importunately and in full assurance of faith, cry to God for so great a mercy. Yea, let us all thus pray. The apostles devolved the actual distribution of alms on deacons chosen for the purpose, but they no more thought of giving up prayer than preaching. Indeed, the very reason they assign for wishing to be relieved from serving tables is that they may "give themselves continually to prayer and to the ministry of the word." If any man ceases to pray fervently, he ought to lay aside all other functions in the Church of God, for he is wholly unfit for any of them. We do not deem it for edification to designate any particular days or times when special prayer shall be made, but we beseech you in your ejaculations, in your closets, in your families, in your social meetings and in your large assemblies, to make unceasing prayer to God for seasons of merciful visitation. Should any times of special prayer, in addition to those already agreed upon, be deemed proper, you will appoint them yourselves. But we entreat you not to permit anything to prevent your daily and earnest cries to God for mercy and salvation to descend on all our churches. "Ye that make mention of the LORD, keep not silence, and give him no rest, till he establish and till he make Jerusalem a praise in the earth." To prayer it is proper to add—

Fasting.—When our Lord was yet with us, he said that when he should

be taken away his disciples should fast. Pious men in every age have united fasting with prayer in times of distress, even if speedy deliverance was hoped for. So did Daniel in the case already cited. So did Ezra and all the Jews at the river Ahava, on their return from Babylon, and just before the great revival of God's work among them. Like prayer, fasting has been a part of every system of religion known among men. Some, indeed, even in Christian countries, have carried it to the length of superstition, and have thereby impaired their health. Others who pretended to fast only exchange one kind of sumptuous eating for another, and thus mock God. We commend not, but rather reprove, all such practices. Yet we fear that some among us seldom if ever fast at all. We trust this matter will be inquired into, and if there has been a departure from divine teachings, there will be a speedy return to this scriptural duty. The nature of an acceptable fast, and the blessings attending it, are clearly stated in the Scriptures, and especially in the fifty-eighth chapter of Isaiah. To prayer and fasting add—

Almsgiving.—"The poor ye have always with ye, and whensoever ye will ye may do them good." If they need not shelter, they may need fuel or food or clothing or medicine. If they have all these, they or their children may need instruction, warning or encouragement. If there be no poor near you, think of those who are perishing elsewhere, if not in a famine of bread, yet in a famine of the word of God, whether written or preached. Help them. Be both liberal and systematic in your charities. "Remember the words of the Lord Jesus, how he said, It is more blessed to give than to receive." It was when the prayers of Cornelius were united with his alms that they came up for a memorial before God. Separate not prayer and fasting from almsgiving. God has joined them together. One benefit of fasting is that it affords or increases the means of giving to those who are more needy than ourselves. Beware of covetousness. Beware of the spirit of hoarding. Many in our day think they do well if they give even one-tenth of their increase. But the ancient Jewish Church gave far more than that. The gospel settles nothing as to the proportion to be given, but it says: "As ye abound in everything, in faith and utterance and knowledge and in all diligence and in your love to us, see that ye abound in this grace also." The motives it urges are of the highest kind. Every believer must feel their force. "Ye know the grace of our Lord Jesus Christ, that though he was rich, yet for your sakes he became poor, that ye through his poverty might be rich." Surely, with superior privileges, Christians should have a higher standard of liberality than those who lived under a darker dispensation. Yet even to the Jewish Church God said: "Bring ye all the tithes into the storehouse that there may be meat in mine house, and prove me now herewith, saith the LORD of hosts, if I will not open the windows of heaven and pour out a blessing that there shall not be room enough to receive it."

Brethren, will you not "*prove*" the Lord? You shall find him faithful. If from right motives you practice proper liberality, "all nations shall call you blessed, for ye shall be a delightsome land, saith the LORD of hosts." To these things unite—

Praise.—This duty is much insisted on in Scripture. If we had praised God more for favors received, we should have received more favors to praise God for. In heaven there is joy over *one*, even *one*, sinner that repenteth. It should be so on earth. "Whoso offereth praise glorifieth me." Even in the jail at Philippi, Paul and Silas to prayer added the "singing of praises." It has long been observed that precious revivals are not only accompanied, but preceded also, by an increased disposition to

make thankful mention of God's mercies. Thus the time that elapsed between the ascension of our Saviour and the day of Pentecost was in some respects a dark season. Yet blessings had been received, and greater ones were expected. In the *first* chapter of Acts, Luke tells us that during this time the disciples "all continued with one accord in prayer and supplication." But in his gospel Luke says, "They were continually in the temple praising and blessing God." There is no contrariety between these statements, because there is no contrariety between prayer and praise. So when the glorious revival commenced in Jerusalem, and many thousands were converted to God, "they continuing daily with one accord in the temple, and breaking bread from house to house, did eat their meat with gladness and singleness of heart, praising God and having favor with all the people, and the Lord added to the Church daily such as should be saved." When a church finds itself but little inclined to the work of praise, it is certain that the work of God is not likely to prosper greatly. It must have forgotten much of its obligations to Christ. "By him, therefore, let us offer the sacrifice of praise to God continually—that is, the fruit of our lips—giving thanks to his name." Thus shall we at least be prepared to own and profit by any new mercy which the Head of the Church may vouchsafe to us. Besides these things let us call your attention to—

Patient waiting for the Lord.—Hardly anything is more insisted on in Scripture as requisite to a right state of mind and heart. It is true that some who give great prominence to other duties of religion seldom speak of this. But the Scriptures, and not the example of even good men, are our rule of faith and life. The word of God dwells much on this subject. Thus says one: "I wait for the Lord; my soul doth wait, and in his word do I hope. My soul waiteth for the Lord more than they that watch for the morning: I say, more than they that watch for the morning." Again, "As the eyes of servants look unto the hand of their masters, and as the eyes of a maiden unto the hand of her mistress; so our eyes wait upon the Lord our God, until he have mercy upon us." The same state of mind is beautifully described by the Church in Solomon's Song, where she says: "I charge you, O ye daughters of Jerusalem, by the roes and the hinds of the field, that ye stir not up nor awake my love till he pleases." Let us not, therefore, suppose that we shall please God by a tumultuous, much less by an imperious, state of mind. A judicious parent gives nothing to a child when in a turbulent state of mind, however loudly and earnestly it may call for it. Neither will our heavenly Father hear our cries unless our spirits be subdued and submissive. The Psalmist says: "Surely I have behaved and quieted myself as a child that is weaned of his mother: my soul is even as a weaned child." Nor does he regard this as a ground of discouragement, but rather of hope, for his next words are, "Let Israel hope in the Lord from henceforth and for ever." So also, whether we apply the fortieth Psalm to Christ or to his people, it teaches the same thing: "I waited patiently for the Lord, and he inclined unto me, and heard my cry." We also call your attention to—

Religious Conversation.—Has not a sad decline in this respect been manifest of late years? Many speak much of some things concerning religion, but how few delight in speaking of the great things of God, and particularly of experimental religion! We would be very far from encouraging an ostentatious display of personal feelings. But proper conversation is as much opposed to ostentation as to coldness. It was an inspired man who said, "Come and hear, all ye that fear God, and I will declare what he hath done for my soul." Many of the Psalms, such as the thirty-second, the forty-second and the fifty-first, are full of declarations of religious ex-

perience. The seventh chapter of Paul's Epistle to the Romans is most precious to the saints, chiefly because it reveals the internal conflicts of that servant of God. Nor should pious conversation be confined to times of prosperity in the Church. The prophet Malachi lived in times of open wickedness and sad apostasy. But few remained steadfast. Yet even then "they that feared the Lord spake often one to another; and the Lord hearkened and heard it, and a book of remembrance was written before him for them that feared the Lord, and that thought upon his name. And they shall be mine, saith the Lord, in that day when I make up my jewels; and I will spare them as a man spareth his own son that serveth him." Indeed, he who would condemn a truthful and modest recital of the dealings of God with one's soul must not only condemn such works as Augustine's Confessions, Bunyan's Grace Abounding, Newton's Authentic Narrative and Scott's Force of Truth, but also the conduct of Paul, who often declared the particulars of his conversion, and the conduct of very many of the inspired writers also. We do, therefore, commend this matter to your serious attention.

They who would enjoy extensive and powerful revivals of religion must also put a high estimate upon them.—The Holy Spirit, no less than the Father or the Son, says: "Them that honor me will I honor; and they that despise me shall be lightly esteemed." The Holy Spirit is the sole author of genuine revivals. Would we secure his gracious presence? Let us prize it above all earthly good. His love is better than wine. He is the true oil of gladness. Only when he, like the wind, blows on his garden, do the spices thereof flow out. Nothing that man can do is any substitute for his gracious presence. And no labors that man can perform are a substitute for a high estimate of the value and glory of the Spirit's presence.

If our estimate of such blessings be really high, it will lead to a forsaking of all that might in our judgment displease God.—It will produce great heart-searchings, it will lead us to remove every stumbling-block out of the way and to prepare the way of the Lord. Dear brethren, let us lay aside all malice, and all guile, and hypocrisies, and envies, and all evil speakings. Let us heal every breach of charity. The visible form in which the Holy Spirit descended on our Saviour was that of a dove, the very emblem of gentleness, a bird that never dwells with birds of prey, nor amidst noise and strife. Paul says, "Grieve not the Holy Spirit of God, whereby ye are sealed unto the day of redemption;" and immediately adds, "Let all bitterness, and wrath, and anger, and clamor, and evil speaking be put away from you, with all malice; and be ye kind one to another, tender-hearted, forgiving one another, even as God, for Christ's sake, hath forgiven you." If our churches are in a cold state, it is by reason of sin. "Your iniquities have separated between you and your God." How solemn are these words of God to his ancient Church!—"I will go and return to my place till they acknowledge their offence, and seek my face; in their affliction they will seek me early." Let us prove that we are his people by confessing and forsaking all our offences.

We suggest whether the practice of assembling the people, for several consecutive days, for prayer and praise and preaching might not be happily revived.—In some places it has been continued, and with good effect; but in others, we fear, it has fallen into general disuse. Prudence should be exercised as to the time when and how long such meetings should be held. That they are not novelties is plain from the Directory for Worship, chap. viii., sec. 6. A favorite method of noticing the preaching of the gospel in the New Testament is that of bearing testimony. And we all know

how mightily the power of testimony over the human mind is increased by two or more agreeing witnesses; so that by the mouth of two or three witnesses every word is established. This principle of our nature was consulted by our Lord in sending out his apostles, and by the apostles themselves. Under the divine blessing on their united testimony borne to the same people, the great work of grace on and after the day of Pentecost was accomplished.

We have no new expedients to commend to you.—We fear all such. The Bible indicates all the means to be used. We have noticed the chief of them. We beseech you to use with zeal and perseverance all such means as God has appointed for reviving his work. Brethren, be not slothful, but be ye filled with the Spirit. Be ye steadfast, unmovable, always abounding in the work of the Lord, forasmuch as ye know that your labor is not in vain in the Lord.

The necessity of copious effusions of the Holy Spirit will not be questioned.—In vain are all our efforts until the Spirit be poured from on high. No improvements in agriculture can render the dew and the rain unnecessary to the growth of grain. No amount of canvas will give speed to a vessel unless the wind blows. So no endeavors of man unaided by divine influence can save a Church from spiritual death. If we are not mistaken, there is a loud call at this time on all of us to look away from instruments and means to God alone. The number of candidates for the ministry, though really considerable, is very small, compared with the present and prospective wants of even our own country. Our country is growing at a rate that almost staggers belief. More than a million of souls were added to her population the last year; a still larger number will probably be added this year. Many foreigners, both ignorant and superstitious, come amongst us. But many are also the excellent of the earth. Let us receive all with kindness, and seek to do them good. If God will but pour out his Spirit on the least instructed among them, they will be incalculable blessings to us. In some places, where once existed churches famous for their piety, the things that remain are ready to die. What shall we do but go to God, with whom is the residue of the Spirit? He has said: "Fear not, O Jacob, my servant; and thou, Jesurun, whom I have chosen. For I will pour water upon him that is thirsty, and floods upon the dry ground; I will pour my Spirit upon thy seed, and my blessing upon thine offspring: and they shall spring up as among the grass, as willows by the watercourses. One shall say I am the Lord's; and another shall call himself by the name of Jacob; and another shall subscribe with his hand unto the Lord, and surname himself by the name of Israel." "Then the eyes of the blind shall be opened, and the ears of the deaf shall be unstopped. Then shall the lame man leap as an hart, and the tongue of the dumb sing: for in the wilderness shall waters break out, and streams in the desert. And the parched ground shall become a pool, and the thirsty land springs of water. In the habitation of dragons, where each lay, shall be grass with reeds and rushes. And an highway shall be there, and a way, and it shall be called the way of holiness." The erection of churches, the establishment of schools, the distribution of the word of God, the instruction of children, the settlement of ministers, and even the preaching of the gospel, are not ends. They are only means to an end. That end is the glory of God in the salvation of souls. This salvation will never be effected without the pouring out of God's Spirit on the hearts of the people. And as in our country there are many people, and the number rapidly increasing, notwithstanding the ravages of death, it is plain that myriads must die in their sins and for ever perish unless

God's Spirit be poured out in very large measure on ministers and people, and that speedily.

What a blessing such a season would be! What blessings it would bring with it! Such times are in Scripture well called "times of refreshing." They refresh ministers. They refresh older Christians. To the young converts they are life from the dead. When under Philip's preaching in Samaria many were converted to God, "there was great joy in that city." It was so in Jerusalem on the day of Pentecost and for some time after. It always has been so. It always must be so. If joy in the Holy Ghost, and a good hope through grace, and seeing sinners flying as a cloud to Christ, will not make a ministry and a people truly blessed, nothing can. "*O God of our salvation, wilt thou not revive us again, that thy people may rejoice in thee?*" "*Return, return, O Shulamite; return, return, that we may look upon thee.*"

We beseech you, therefore, brethren, by the mercies of God, that ye present your bodies a living sacrifice, holy, acceptable unto God, which is your reasonable service, and that you call upon your souls and all that is within you to wake to righteousness, and so much the more as ye see the day of deliverance and triumph approaching. By the love ye bear to the great Redeemer and the souls of men, we pray you to shake off the spirit of slumber wherever it rests. One of the burning and shining lights of the Church said in his day, "Little do we know what many a soul may now be suffering in hell through our neglect or coldness." Our opportunities to serve God in the Church below will soon be past for ever. Soon we can pray no more, preach no more, and no more beseech sinners to be reconciled to God. The time is short. The Judge standeth before the door. The night cometh when no man can work. Brethren, put on bowels of mercy and compassion, and devote your remaining days to proper efforts to save men from the coming wrath, and thus bring glory to your divine Redeemer who is over all God blessed for ever.

NICHOLAS MURRAY, *Moderator.*

Pittsburg, May, 1849.

—1849, pp. 424–429, O. S.

14. On Diligence in Repairing the Wastes of the War.

The General Assembly of the Presbyterian Church in the United States of America, in session at Pittsburg, Pennsylvania, in the year of our Lord 1865, *send to the Churches under their care, greeting:*

The terrible calamities which have befallen our country during the last four years, and their injurious influence on the material, intellectual, moral and religious condition of the people, render it peculiarly important for the General Assembly, composed of your representatives from most of the loyal States, to remind you of the solemn responsibilities which this state of things devolves upon our churches, as well as upon the other Christian churches of this land.

Immense districts in the Southern States, now redeemed from the civil rebellion, have become, by the casualties of war, desolate wastes, the repairing of which demands immediate and earnest attention. Their political status is under the direction and control of the civil government. Their desolated fields must be put under cultivation, and their ruined dwellings, villages and cities rebuilt by individual industry and enterprise. But their intellectual, moral and religious privileges, by means of literary institutions and gospel ordinances, must be restored by the exertions of Christian philanthropy. And in the Northern States, though the war has

not materially diminished their wealth and prosperity, nor closed their schools, colleges and churches, we have reason to apprehend that the demoralizing influences of the camp upon the habits of our brave and patriotic soldiers will introduce into hundreds of neighborhoods in the North vices heretofore unknown, unless counteracted by timely and efficient efforts. "The patriotism of the nation, under God, has saved the Union, and it now remains for the piety of the Church to sanctify the people."

The means for accomplishing this work have been instituted by God himself, viz., earnest and believing prayer for the outpouring of his Holy Spirit, the faithful preaching of his word, and the liberal contribution of our substance for keeping in vigorous operation those auxiliary agencies which are adapted to benefit and save the souls of men.

The first great want of the Church and country is the effusion of the Holy Spirit, for which earnest prayer should be daily offered to God. The gift of the Spirit, descending in pentecostal showers upon all our borders, will heal the breaches which have been made among us by this cruel and bloody war, reclaim from sin and ruin the many thousands who, in consequence of the war, have yielded too much to the corrupting tendencies of their depraved appetites and passions, purify the fountains of literature, and make all our schools and colleges the sources of virtuous and holy influences, impart to our firesides and places of business, to our popular assemblies and halls of legislation, a spirit of healthful and happy piety, and surround our whole land with a halo of celestial light and love.

But this inestimable blessing must be sought by earnest and importunate supplication. God will be inquired of by the house of Israel to do these things for them. Brethren, pray without ceasing until the Lord shall rain, righteousness upon us, like the prophet Elijah on Mount Carmel, who cast himself down upon the earth in prayer, and sent his servant seven times in succession to look toward the sea, until at last a little cloud appeared like a man's hand, and speedily a refreshing and fertilizing rain covered the whole land of Israel. In addition to daily prayer in the closet and family, the Assembly recommend that our pastors and church sessions, at their discretion, appoint meetings for prayer in their respective congregations, daily if practicable, but if not, then once or twice a week, to pray especially for the outpouring of the Holy Spirit; and that, like the pious and faithful few who assembled daily for prayer, for ten days prior to the day of Pentecost, these praying ones look and wait in believing expectation for the fulfillment of the divine promise to send this blessing upon his Church.

In connection with prayer, the Assembly recommend that, as often as may be deemed expedient by our ministers and church sessions, they also appoint special public services for preaching the gospel. God has visited some of our congregations with large outpourings of his Holy Spirit in connection with these extra services. By these means the unconverted are brought daily under the influence of the preached word, and impressions produced one day are deepened by warnings reiterated on the next, and the result has often been a precious ingathering of souls.

The Assembly further exhort the churches under their care to practice an enlarged liberality in sustaining the cause of Christian benevolence. Not to mention other benevolent objects and associations, the operations of the several boards of our own Church, and of the Committee recently appointed to benefit the freedmen, are of the first importance, and they are increasing in magnitude every year; and with regard to some of them,

owing to the extraordinary condition of our country, particularly in the Southern States, there is an urgent call for the most liberal contributions. Our nation has been appropriating the public treasure by hundreds of millions for the suppression of the rebellion, and our citizens have voluntarily contributed with remarkable liberality for the relief and comfort of our suffering soldiers, refugees and freedmen. Let our churches contribute with corresponding liberality to promote their spiritual welfare. A special thank-offering is due to our Saviour God, the King of kings, and Lord of lords, in view of the signal deliverance over which we now rejoice.

Finally, the Assembly would add to these several recommendations that there is a special demand on all loyal and Christian men, in the hopeful termination of our national calamities, to endeavor, by every appropriate means in their power, to bring together in friendly relations the discordant and conflicting elements of civil society. Let all become good Samaritans to heal the wounds which have been made by this fratricidal war, and to administer to the wants of the distressed and unfortunate. Even those who have been our avowed and bitter enemies, once defiant, but now conquered, are entitled to our sympathy and kindness. Act with regard to them, dear brethren, according to the spirit of those inspired words of the prophet Isaiah which were put on record for our instruction, with the assurance that the reward promised will also be yours: "Is not this the fast that I have chosen? to loose the bands of wickedness, to undo the heavy burdens, and to let the oppressed go free, and that ye break every yoke? Is it not to deal thy bread to the hungry, and that thou bring the poor that are cast out to thy house? when thou seest the naked, that thou cover him; and that thou hide not thyself from thine own flesh? Then shall thy light break forth as the morning, and thine health shall spring forth speedily; and thy righteousness shall go before thee; the glory of the Lord shall be thy reward. Then shalt thou call, and the Lord shall answer; thou shalt cry, and he shall say, Here I am. If thou take away from the midst of thee the yoke, the putting forth of the finger, and speaking vanity; and if thou draw out thy soul to the hungry, and satisfy the afflicted soul; then shall thy light arise in obscurity, and thy darkness be as the noonday; and the Lord shall guide thee continually, and satisfy thy soul in drought, and make fat thy bones: and thou shalt be like a watered garden, and like a spring of water whose waters fail not. And they that shall be of thee shall build the old waste places; thou shalt raise up the foundations of many generations; and thou shalt be called, The repairer of the breach, The restorer of paths to dwell in." Isa. lviii. 6–12.

And now, dear brethren, may "the God of peace, that brought again from the dead our Lord Jesus, that great Shepherd of the sheep, through the blood of the everlasting covenant, make you perfect in every good work to do his will, working in you that which is well pleasing in his sight, through Jesus Christ, to whom be glory for ever and ever. Amen." —1865, pp. 600–603, O. S.

On the Rebellion.—See Minutes, 1866, pp. 82–90, O. S.

15. Pastoral Letter on the Observance of the Sabbath.

Dear Brethren: In the exercise of that spiritual oversight to which we are called as the highest court of our beloved Church, it has seemed good to us to address you in regard to the observance of "the Lord's day." We are especially moved to this duty now by sundry memorials and overtures from different parts of the Church, which set forth the fact

that this holy day is profaned in our land in a variety of ways and to an extent most alarming to God's people. And in these circumstances we make an appeal to you, not only to stir up your minds by way of remembrance, but also to enlist your example and co-operation in every available form, in resisting the encroachments of a wicked world upon the honor of Zion's King.

Nothing is plainer than that "the Sabbath was made for man," and therefore that it is of universal and perpetual obligation. The Lord himself "blessed" and "hallowed" it at the creation. Its requirements have a distinct place among the statutes of the Moral Law, which, being founded upon immutable principles and designed to express the permanent relations between God and man, is applicable to all times and circumstances. The visions of prophecy looked forward to the dispensation of the fullness of the times when the "sons of the stranger" should not only "join themselves to the Lord to serve him," but should "keep the Sabbath from polluting it and take hold of his covenant," and thus be "brought to his holy mountain and made joyful in his house of prayer." Isa. lvi. 6, 7. But most of all do we find our sanction in the example of our blessed Lord and his disciples. His resurrection from the dead on the first day of the week—thenceforth the Christian Sabbath—was his entrance into rest after the creation of the "new heavens and new earth" was "finished." His subsequent appearances to his disciples on that day during the period preceding his ascension, the fact of their meeting on that day also for preaching and prayer, the breaking of bread, collections for the saints and other acts of worship (Acts xx. 7; 1 Cor. xvi. 2), and the uniform habit of the early Christians under apostolic example and direction to the same effect, leave no room for doubt. Whilst in honor of the greater work of redemption the observance was transferred from the last to the first day of the week, we still have the Sabbath itself, resting upon the same fundamental law, solemnly sanctioned by the exalted Head of the Church and demanding in his name the same evangelical obedience due to all his will. From all these sources alike—divine example, divine law, prophecy and the gospel—the warrant and duty to honor God by the sanctification of the Sabbath are clear and unmistakable.

Experience and the fitness of things only confirm this view. The physical nature of man and of inferior animals demands cessation from toil at least one-seventh portion of the time. The formation of right mental and moral habits, the proper training of families, the general welfare of society, the stability of government, the necessities of public worship and the interests of religion, all unite in requiring the maintenance of the Sabbath in its integrity both against the infidelity which questions its divine appointment and the worldliness which dishonors and desecrates it. All history and experience unite to testify that only where the Lord's day is observed, and in full proportion to the sacredness attached to it, does the gospel of Christ accomplish its true mission in moulding public sentiment, in conserving sound morality and in saving the souls of men. And so it must ever be, for the reason that Jehovah himself has said, "Them that honor me I will honor, but those that despise me shall be lightly esteemed." Truth, virtue, morality and religion, including "all spiritual blessings in heavenly places in Christ," find one of their most sacred pledges in this holy institution, whilst they must ever fail if it be neglected and polluted.

In view of these things, the Assembly looks with the deepest concern upon the tendencies of these times toward relaxation in sentiment and practice upon this subject. Whilst it may not be possible for this or any

other body to discriminate accurately in all cases between acts of necessity and mercy and those which are sinful in themselves or by reason of circumstances, there are principles and rules of the clearest application to this subject which cannot be too faithfully repeated, and there are prevalent violations of the law of the Sabbath which call for the most earnest warnings. It is a matter for painful regret that a pernicious example is still steadily set before the nation by one department of the government and occasionally by others. Although the excitements of the war have for the most part subsided, their effects still linger in society in the carelessness of some and the recklessness of others concerning sacred time. In certain parts of the country business is, to some extent, prosecuted on the Sabbath. Travel is only partially suspended in compliance with its claims. Multitudes, especially in our cities and larger towns, give themselves without restraint to pleasure during its holy hours. Saloons and places of amusement are fearful rivals to the Lord's sanctuaries. Secular newspapers—some of which, alas! are issued on the Sabbath—and books without religious bearing and spirit, too often thrust out, even on God's day, his holy word and other reading inculcating its truths. Faithful Sabbath instruction in the home circle has to a large extent become a memory of past generations, having yielded its place either to other instrumentalities or total neglect. Even the supplies of bread and milk in cities and towns have taken a form which, to say the least, often, beyond any plea of necessity, involves trespass upon the day of rest. "Sunday trains" are run by many railroad companies, thereby holding employees to unwarranted service and offering temptation to business or pleasure traveling which otherwise would not have been undertaken. Lines of street-cars also, now so generally established in our cities, whilst furnishing great accommodations through the secular week, are to a lamentable extent employed in the interest of pleasure excursions and unnecessary travel, sometimes even by professing Christians, to the great detriment of morality and religion, whilst also their noise often disturbs beyond endurance the quiet of families and the worship of congregations before whose doors they pass. In such and other kindred ways are the Lord's name and honor profaned; and the profanation appears just where a divine and holy jealousy guards that proportion of our time which the Most High has reserved for himself, and also guards "the gates of Zion," which he "loves more than all the dwellings of Jacob." Its damage to every spiritual interest who can tell?

With such views, brethren, of our highest obligations on the one hand, and of peril to the cause of our divine Master on the other, we appeal to your consciences and hearts. We address not so much the unbelieving world as *you* who profess hearty subjection to the law of God and the gospel of Christ. We are profoundly convinced that the professing Christians of this land, both ministers and people, have it in their power, through the blessing of God upon their fidelity, to rescue from dishonor that holy day which, standing in the very front of the institutions of our religion, prominently represents our dearest spiritual rights and blessings. The great battles of the Church with skepticism and sin alike must be largely fought on this issue. This breastwork must at all hazards be maintained against the subtle and combined enemies of God and man. In the very way of divine appointment must this sacred ordinance be kept and used for the divine honor, for the purity of the Church and for all the precious interests of truth and righteousness in the earth. For present sanctification and future glory we must thus maintain our communion with God, and so

"enter into his rest," whilst we "cease from our own works as God did from his." We must remember the Sabbath day to keep it holy.

We counsel you to cast your undivided influence on the side of the Lord's day. Cultivate, we beseech you, in yourselves, in your families and in all over whom your influence extends, just and scriptural views of its sacredness. Let your example, not in the spirit of Jewish bondage, but of Christian liberty and love, illustrate and adorn it. In your character as citizens, in harmony with the largest freedom of our institutions, do not fail to promote and sustain the time-honored and wholesome statutes which have been enacted to preserve this essential part of that "general, tolerant Christianity, without sect or party," which belongs to the fundamental law of the land. In every way calculated to honor our exalted Redeemer, through the sacred day which is at once the testimony of his resurrection and the pledge of "his inheritance in the saints," and in every way also likely to win the world to honor it for his sake, let your consciences be pure in the sight of God, and let your faithfulness appear unto all men. Do not forget that "the Son of man is Lord also of the Sabbath day."

In conclusion, we respectfully recommend that all our pastors and stated supplies, as soon, and also as often, as may be convenient, preach upon the observance of the Christian Sabbath, instructing the people carefully from God's word in regard to its origin, meaning, obligation, privileges and purpose, the true spirit and manner in which it is to be kept, and all those duties, personal and relative, which grow out of it or are connected with it. "Grace be with you all. Amen."—1867, p. 385–387, O. S.

VI. Before any overtures or regulations proposed by the Assembly to be established as constitutional rules shall be obligatory on the churches, it shall be necessary to transmit them to all the Presbyteries, and to receive the returns of at least a majority of them, in writing, approving thereof.

[The phrase "*standing rules*," as found in the Constitution of 1788, was changed, as above, to "*constitutional rules*" by vote of the Presbyteries, in 1805.—p. 332.]

1. Power of the Assembly to make Standing Rules.

[The Presbytery of New York laid before the Assembly the following paper, viz.:]

The Presbytery took into consideration the regulations adopted by the General Assembly at their last meeting, intended to embrace and extend the existing rules respecting the reception of foreign ministers and licentiates, whereupon the Presbytery were of opinion that if the General Assembly designed these regulations as a standing rule, supposing that, having passed through their body, they became obligatory upon the subordinate judicatories, and ought to be carried into immediate effect, they therein violated the sixth section of the eleventh chapter of our Constitution, which says, "Before any overtures or regulations," etc.—1799, p. 172.

[To this paper the Assembly replied:]

1. That the first reason assigned by the Presbytery of New York for their request is founded on a misinterpretation of an ambiguous expression in the Constitution. The sixth section of the eleventh chapter is thus expressed: "Before any overtures or regulations proposed by the Assembly to be established as *standing rules* shall be obligatory on the

churches, it shall be necessary to transmit them to all the Presbyteries and to receive the returns of at least a majority of the Presbyteries in writing approving thereof." *Standing rules* in this section can refer only to one of the following objects: 1st. To articles of the Constitution which, when once established, are unalterable by the General Assembly; or 2d. To every rule or law enacted without any term of limitation expressed in the act. The latter meaning would draw after it consequences so extensive and injurious as forbid the Assembly to give the section that interpretation. It would reduce this Assembly to a mere committee to prepare business upon which the Presbyteries might act. It would undo, with few exceptions, all the rules that have been established by this Assembly since its first institution, and would prevent it for ever from establishing any rule not limited by *the terms of the act* itself. Besides, *standing rules*, in the evident sense of the Constitution, cannot be predicated of any acts made by the Assembly and repealable by it, because they are limited in their very nature to the duration of a year, if it please the Assembly to exert the power inherent in it at all times to alter or annul them, and they continue to be rules only by the Assembly's not using its power of repeal. The law in question is no otherwise a *standing rule* than all other laws repealable by this Assembly.—1799, p. 179.

2. Amendments of the Constitution.—General Principles.

a. Resolved, That the Rev. Drs. Blair, Tennant and Green, the Rev. Messrs. Irwin, Miledoler, Potts, Linn and Janeway, be a Committee to take into consideration the expediency of publishing a new edition of the Confession of Faith, etc., of this Church; to consider whether any, and, if any, what, alterations ought to be made in the said Confession of Faith, etc.; to make such preparatory arrangements on this subject as they shall judge proper, and report to the next Assembly.—1803, p. 282.

b. The Assembly resumed the consideration of the report of the Committee on Constitution, and having gone through the same by paragraphs, and made several amendments, adopted it as follows:

After a very serious attention to the subject committed to them, your Committee have resolved to propose no alteration whatever in the Confession of Faith and Catechisms of our Church, and are clearly of opinion that none ought to be attempted.

The creed of every Church, as it ought to be derived immediately and wholly from the word of God, must be considered as standing on ground considerably different from that which supports the system of forms and regulations by which worship shall be conducted and government administered, and if it be once rightly settled can never be altered with propriety by any change of time or external circumstances of the Church.

Circumstances indeed may render it proper, in deducing a summary of faith from the Scripture, to dwell more largely and particularly on some points at one time than would be necessary at another, and every attentive and intelligent reader of our standards will probably remark that the state of the Church when our Confession and Catechisms were formed was, in fact, the cause that its pious and learned authors expressed their sentiments on certain topics, especially such as relate to the controversies between Protestants and papists, more largely than would be necessary if the whole were to be formed anew. But still, as those sentiments are, we conceive, just in themselves, and as the particular delineation of them can do no harm, and will sometimes prove a guide both to the clergy and laity of our community, we cannot wish to see any retrenchment made. It

would give alarm to many of our people, who might suspect that this was but the introduction to innovations of more importance. And your Committee will take the liberty to remark that it is by no means to be considered as a vulgar or unfounded prejudice when alarm is excited by alterations and innovations in the creed of a Church. There are many reasons of the most weighty kind that will dispose every man of sound judgment and accurate observation to regard a spirit of change in this particular as an evil pregnant with a host of mischiefs. It leads the infidel to say, and with apparent plausibility, that there can be no truth clearly revealed in Scripture, because not only its friends of various sects, but of the same sect, pretend to see truths in it at one time which at another they discover and declare to be falsehood. It hurts the minds of weak believers by suggesting to them the same thought. It destroys the confidence of the people generally in those who maintain a system which is liable to constant fluctuations. It violates settled and useful habits. It encourages those who are influenced by the vanity of attempting to improve what wise men have executed, or by mere love of novelty, to give constant disturbance to the Church by their crude proposals of amendment. And it is actually found to open the door to lasting uneasiness, constant altercation, and finally to the adoption of errors a thousand fold more dangerous and hurtful than any that shall have been corrected. In a word, what was true when our Confession and Catechism were formed is now true. We believe that this truth has been most admirably and accurately drawn into view in these excellent performances. They have become venerable from their age. Our Church has flourished under their influence, and we can see no reason to alter them. If there are a few things (and few they must be, and of less importance, if they exist at all) which it might be shown could be expressed more correctly, and in a manner less liable to objection, it is not proper, with a view to obtain this, to expose ourselves to the great inconveniences and injuries that have been specified.

Leaving, then, the Confession of Faith and Catechisms of our Church untouched, your Committee took into consideration the Form of Government, Directory for Worship and Forms of Process. These, as has already been hinted, were considered as standing on other ground than our creeds. The word of God in regard to these is much less specific and particular than on articles of faith. Many things in this part of a church organization are, and must be, left to Christian prudence, and modified by the peculiar circumstances of religious societies, guided by the general lights which the Scripture holds forth. Here churches in one country may, and perhaps ought to, differ from those of another. We have already differed very considerably from the Church of Scotland, from which we derive our origin; and as it is difficult, perhaps impossible, for any man or body of men to anticipate all the circumstances or cases which may turn up in practice under a general rule or law, which is framed to provide for them, experience will point out some errors and many deficiencies, and thus may suggest many real amendments—amendments, too, not liable to the most material objections that have been stated in the former case. On this part of our ecclesiastical polity, then, the work in some measure of our own hands, the Committee have ventured to propose a considerable number of amendments, remarking, however, and begging that the remark may be particularly regarded, that the alterations proposed are of such a nature that if the whole of them should be adopted they would not alter, but only explain, render more practicable and bring nearer to perfection the general system which has already gone into use.—1804, p. 302.

[The following is inserted as showing, in the opinion of the eminent

men who made the report, in what way the Doctrinal Standards may be amended. In 1843, Rev. Drs. Hoge, Hodge, Spring, Leland and N. S. Rice were appointed a Committee to consider the propriety of amending the Confession of Faith on the marriage question; *inter alia* they say:]

The Committee to whom was referred the overture to strike out the last sentence of chap. xxiv., sec. iv., of the Confession of Faith, beg leave to submit, in the first place, the following views respecting the question whether there is any mode prescribed of amending or altering the Confession of Faith, as a preliminary inquiry.

The Form of Government, chap. xii., sec. vi., gives power to the General Assembly to propose overtures which, if approved by a majority of the Presbyteries, shall have the force of CONSTITUTIONAL RULES. This provision, it is thought, does not apply to altering or amending the Confession of Faith, 1st. Because it relates to the powers of the General Assembly, and is plainly designed to limit those powers in respect of legislation. 2d. The use of the terms "Overtures or Regulations" defines with sufficient clearness the meaning of the expression "Constitutional Rules," and limits its application to rules of government and discipline, but excludes alterations of the doctrine and fundamental principles of the Church. 3d. Unless the language used necessarily and certainly embraces alterations of the latter kind, it would be unwise to resort to a forced construction, and thus jeopard the stability of the great principles of faith and order embraced in our standards.

On the other hand, it is contended that there is and ought to be no method of altering our doctrinal formularies, and in support of this opinion it is said that, while prudential rules may be changed with circumstances, the doctrines of religion remain ever the same. But to this it is a sufficient answer that although the Bible and the truth which it contains are unchangeable, yet human compositions, such as our Confession of Faith undoubtedly is, are not infallible, but may err, and when any such error in the expression of truth is discovered, it ought to be corrected in an orderly manner. This was certainly the opinion of the Synod of New York and Philadelphia when they adopted the Constitution of the Church.

That Synod, in the adopting act, inserted a provision which allows that "two-thirds of the Presbyteries may propose alterations or amendments which shall be valid if subsequently enacted by the General Assembly." So far only as this embraces Constitutional Rules, this provision has been changed, but in every other respect remains in full force. It is insufficient to allege that it has been forgotten and become obsolete, for it has always been on the records, and was published in the Digest in 1820, and it would be exceedingly unsafe to allow organic enactments thus to be overlooked and lost.

It is conceived, therefore, that this method of proceeding is constitutional and is still in force, and should also be strictly observed. Likewise, this resolution of the Synod should be prefixed to all future editions of the Confession of Faith.—1844, p. 422, O. S.

3. Amendments Approved by the Presbyteries not Adopted.

That on examining the proposed amendments of the Constitution sent down to the Presbyteries by the last General Assembly, as they stand on the printed minutes, page 37, it appears that the whole of them, from Nos. 1 to 6 inclusive, were framed with such reference to each other and to their common object as that they ought to have been either adopted or rejected altogether; and further, that the Presbyteries by rejecting the sixth have

in effect defeated the very end which they must have intended to secure by the adoption of the rest, and have otherwise involved the whole subject in difficulties which, from the peculiar nature of the case, it is but fair and reasonable to suppose they could not have distinctly designed or foreseen. In this state of things your Committee beg leave to submit the following resolution as in their judgment proper to be adopted by the General Assembly, viz.:

Whereas, The Presbyteries have failed to report their decisions upon the subject of the proposed amendments Nos. 1, 2, 3, 4, 5, 6, as recorded in page 37 of the printed minutes of the Assembly of last year, in the full and distinct manner contemplated in the overture submitted by that Assembly, the General Assembly do not deem it desirable to renew the said overture at the present time; therefore,

Resolved, That the consideration of the said proposed amendments be and the same is hereby indefinitely postponed.—1827, p. 218.

4. Where all the Presbyteries do not Respond, the Votes given are to be Filed as the Answer of the Voting Presbyteries, unless Reversed by them.

a. Resolved, That the Presbyteries which have not sent up their decisions on this subject (a proposed amendment of the Constitution) be required to send them to the next Assembly, and that the stated clerk file the decisions reported to this Assembly, to be considered by the next Assembly as the decisions of these Presbyteries respectively, unless they choose to send up a different decision.—1834, p. 429.

b. The stated clerk reported that fifty-seven Presbyteries had reported to this Assembly affirmative, and twenty-three negative, answers to the Overtures on the Limitation of Judicial Cases. Also, that twenty-eight Presbyteries, who have made no report to this Assembly, reported affirmative answers to the Assembly of 1871; that the whole number thus replying affirmatively is eighty-five, one more than a majority of the whole number (one hundred and sixty-seven).

A discussion arose on the propriety of counting those Presbyteries who sent their replies only to the Assembly of 1871. The whole matter was then referred to a Special Committee, consisting of Rev. Henry V. D. Nevius, George W. Musgrave, D. D., LL. D., and George Junkin, Esq.—1872, p. 80.

The Special Committee on the Answers to the Overtures, Limiting Appeals, sent down to the Presbyteries in 1870, and again, for want of full action, in 1871, reported that, in their opinion, it was competent for the Assembly to count the affirmative vote of both years, such vote securing the adoption of all the overtures, and their incorporation into the fundamental law of the Church, by the required majority of all the Presbyteries.

The following substitute for the report of the Committee was adopted:

Resolved, That overtures Nos. 2, 3 and 4, of the Assembly of 1870, be again sent to the Presbyteries, irrespective of previous action.—1872, p. 92.

[The overture was rejected; ayes 69, nays 43, not answering 62.—1873, p. 526.]

5. Of the way in which the Answers of the Presbyteries are to be Attested, and when the Question shall be held to be Determined.

Overture No. 27, being a paper submitted by the stated clerk, asking instructions respecting the proper form of reports from Presbyteries entitled to be received by him in answer to overtures sent down from the General Assembly.

The Committee recommend, 1. That the Assembly enjoin upon all the Presbyteries, in sending up responses to overtures, to have them duly signed by the moderator and clerk, or at least one of them, in order that the full spirit of the Constitution, chap. xii., sec. vi., may be complied with. 2. That in the case of Presbyteries in foreign lands the stated clerk shall receive their answers to overtures, and place them on file, and report them to the General Assembly at the earliest opportunity; and the answers from Presbyteries shall not be deemed as determining the question submitted to them until reasonable time shall have elapsed to hear from all the Presbyteries, or until it is clear that answers which may have been made, but not received, would not affect its final determination.

The report was adopted.—1867, p. 358, O. S.

VII. The General Assembly shall meet at least once in every year. On the day appointed for that purpose, the moderator of the last Assembly, if present, or, in case of his absence, some other minister, shall open the meeting with a sermon, and preside until a new moderator be chosen. No commissioner shall have a right to deliberate or vote in the Assembly until his name shall have been enrolled by the clerk, and his commission examined and filed among the papers of the Assembly.

1. Adjourned Meetings of the Assembly.

[In 1846, the Assembly, N. S., then meeting triennially, was adjourned by the moderator, in accordance with a previous vote, to meet in the city of Cincinnati, Ohio, on the third Thursday of May, 1847. On the constitutionality of such adjournment the opinion of Chancellor Kent, of New York, was sought, and given as follows:]

The question is, Had the General Assembly, under the Constitution of the Presbyterian Church, a lawful or rightful power to so adjourn?

ANSWER.

In my opinion, the power of adjournment rests in the sound discretion of the General Assembly. I consider the power to be necessarily incident to every deliberative assembly, unless specially prohibited by its charter or constitution. It appertains, of course, to all legislative assemblies, and is occasionally exercised. This is the case with the English Parliament, and with the legislative assemblies in the United States.

The Constitution of the United States says that Congress shall assemble at least once in every year, and on the first Monday in December. The only inhibition in the Constitution is that neither House shall adjourn without the consent of the other for more than three days, nor to any other place. The Constitution is silent as to any other adjournment, and yet no question has ever been raised as to the power of Congress or both Houses concurrently to adjourn the session to a future time.

So in the Constitution of New York, the legislative term begins on the first of January, and the Legislature are to assemble every year on the first Monday in January, and neither House without the consent of the other can adjourn for more than two days. No doubt is raised as to the competency of the two Houses jointly to adjourn, in their discretion, to any future or distant day. And though the Legislature are to meet as prescribed, and are, as to the Assembly, elected annually, it is now in contemplation at the present session to adjourn over to the month of September.

The Constitution of the Presbyterian Church leaves silently the same power of adjournment, precisely on the same footing of discretion. Thus the General Assembly are to meet at least triennially or once in every third year. And the last moderator, with the concurrence of the stated and permanent clerks, may call a *pro re nata* meeting of the General Assembly, in case of any emergency, on four months' notice.* And the Assembly is to be considered as the same with the previous one.

The adjournment preserves the identity of the Assembly. I have no doubt that upon a sound construction of the Constitution the General Assembly has the same analogous power as all other political legislative bodies to which I have alluded. If any greater restriction had been intended, it would have been expressed. The language quoted implies as of course the power of adjournment. It is a wise and necessary power to guard against calamities and overruling necessities, such as a desolating sickness, or conflagration, or insurrection, etc. It may be safely confided to such a representation, if anything may.

Even in ordinary civil corporations, where powers are granted very guardedly and construed strictly, it is adjudged that a corporation may transact any business at an adjourned meeting which they might have transacted at an original meeting (11 Vt. Reports, 385).

For these reasons briefly I conclude that the power of adjournment by the General Assembly the last year to Cincinnati was constitutional.

JAMES KENT.

New York, April 19, 1847.

—1847, p. 147, N. S.

2. The Adjourned Meeting of 1869.

The two Assemblies of 1869, meeting in New York, mutually agreed—

a. That the said General Assemblies now sitting shall, after finishing their business, adjourn, to meet in the city of Pittsburg, Pennsylvania, on the second Wednesday of November, 1869, at 11 o'clock A. M.—O. S., p. 915; N. S., p. 277.

b. It was ordered that when the Assembly adjourns this afternoon it be to meet in the First Church of Pittsburg, on Wednesday, the 10th day of November next, at 11 o'clock A. M.—1869, p. 949, O. S.

In accordance with previous action, the Assembly, with prayer and the apostolic benediction by the moderator, adjourned to meet at the Third Presbyterian Church, in the city of Pittsburg, Pa., on the second Wednesday of November, A. D. 1869, at 11 o'clock A. M.—1869, p. 304, N. S.

3. Who may sit as Commissioners in an Adjourned Assembly.

a. The Committee (Hon. Daniel Haines and Hon. Joseph Allison, LL. D.) on Instructing the Presbyteries concerning their representation

[* It was so provided in the plan under which triennial Assemblies were held.—1839, p. 27, N. S.]

at the adjourned meeting of this Assembly presented a report, which was adopted, and is as follows:

Whereas, It has been questioned whether this Assembly at the proposed adjourned meeting, in November next, at Pittsburg, Pa., can be properly constituted of the principal or alternate commissioners not in attendance on the sessions of the body at this time; therefore,

Resolved, In the judgment of the Assembly those commissioners *only* who have presented their commissions, and whose names have been placed on the roll, will be entitled to participate in the meeting of the Assembly in November, except in case of a vacancy occasioned by death, resignation, refusal or inability of any such commissioner to attend, in which event it will be competent and proper for the Presbytery to supply the vacancy by a new election or appointment.—1869, p. 290, N. S.

b. W. E. Schenck, D. D., permanent clerk, from the Committee on Commissions, reported that several gentlemen were present with commissions as alternates, the principals being absent. On motion of G. W. Musgrave, D. D., it was

Resolved, That all alternates presenting regular commissions be enrolled, the principals being absent. Mr. Henry Day was requested to communicate this action to the Assembly of the other branch, now sitting in the Third Presbyterian Church in this city, which he did.

The alternates present were enrolled as follows: W. A. Scott, D. D., from the Presbytery of New York; Rev. Joseph A. Hanna, from the Presbytery of Oregon; Rev. A. B. Cross, from the Presbytery of Baltimore; Ruling Elder Wm. Carpenter, from the Presbytery of Newton.—1869, p. 1143, O. S.

4. The Assembly Excluded Commissioners from Sitting Pending Investigation.—See 1866, p. 12, O. S.

VIII. Each session of the Assembly shall be opened and closed with prayer. And the whole business of the Assembly being finished, and the vote taken for dissolving the present Assembly, the moderator shall say from the chair—"By virtue of the authority delegated to me by the Church, let this General Assembly be dissolved, and I do hereby dissolve it, and require another General Assembly, chosen in the same manner, to meet at on the day of A. D. "—after which he shall pray and return thanks, and pronounce, on those present, the apostolic benediction.

Specimen of the Minute of Dissolution.

The minutes of this session were read and approved.

After the offering of solemn praise and thanksgiving, the business of the Assembly having been completed, and the vote taken for the dissolution of the Assembly, the moderator, with prayer and the apostolic benediction, declared the Assembly dissolved, and required another Assembly, chosen in the same manner, to meet at the Central Presbyterian Church in the city of Baltimore, Maryland, on the third Thursday of May, A. D. 1873.—1872, p. 96.

The Charter of the Trustees of the Assembly.

a. An Act for incorporating the Trustees of the Ministers and Elders constituting the General Assembly of the Presbyterian Church in the United States of America.

Whereas, The ministers and elders forming the General Assembly of the Presbyterian Church of the United States of America, consisting of citizens of the State of Pennsylvania and of others of the United States aforesaid, have by their petition represented that by donations, bequests or otherwise of charitably-disposed persons, they are possessed of moneys for benevolent and pious purposes, and the said ministers and elders have reason to expect further contributions for similar uses; but from the scattered situation of the said ministers and elders and other causes, the said ministers and elders find it extremely difficult to manage the said funds in the way best calculated to answer the intention of the donors; therefore,

Sec. 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, that John Rodgers, Alexander McWhorter, Samuel Stanhope Smith, Ashbel Green, William M. Tennent, Patrick Allison, Nathan Irvin, Joseph Clark, Andrew Hunter, Jared Ingersoll, Robert Ralston, Jonathan R. Smith, Andrew Bayard, Elias Boudinot, John Nelson, Ebenezer Hazard, David Jackson and Robert Smith, merchant, and their successors duly elected and appointed in manner as in hereafter directed, be, and they are hereby made, declared and constituted, a corporation and body politic and corporate, in law and in fact, to have continuance for ever, by the name, style and title of "Trustees of the General Assembly of the Presbyterian Church in the United States of America;" and by the name, style and title aforesaid shall for ever hereafter be persons able and capable in law as well to take, receive and hold all and all manner of lands, tenements, rents, annuities, franchises and other hereditaments, which at any time or times heretofore have been granted, bargained, sold, enfeoffed, released, devised or otherwise conveyed, to the said ministers and elders of the General Assembly of the Presbyterian Church of the United States, or any other person or persons, to their use, or in trust for them; and the same lands, tenements, rents, annuities, liberties, franchises and other hereditaments are hereby vested and established in the said corporation and their successors for ever, according to the original use and intent for which such devises, gifts and grants were respectively made; and the said corporation and their successors are hereby declared to be seized and possessed of such estate and estates therein as in and by the respective grants, bargains, sales, enfeoffments, releases, devises and other conveyances thereof is or are declared limited and expressed; also, that the said corporation and their successors, at all times hereafter, shall be capable and able to purchase, have, receive, take, hold and enjoy in fee simple, or of lesser estate or estates, any lands, tenements, rents, annuities, franchises and other hereditaments, by the gift, grant, bargain, sale, alienation, enfeoffment, release, confirmation or devise, of any person or persons, bodies politic and corporate, capable and able to make the same. And further, that the said ministers and elders, under the corporate name aforesaid, and their successors, may take and receive any sum or sums of money and any portion of goods and chattels that have been given to the said ministers and elders, or that hereafter shall be given, sold, leased or bequeathed to the said corporation by any person or persons, bodies politic or corporate, that is able or capable to make a gift, sale, bequest or other disposal of the same; such money, goods or chattels to be laid out and disposed of for the use and benefit of the aforesaid corporation, agreeably to the intention of the donors, and according to the objects, articles and conditions of this Act.

Sec. 2. And be it further enacted by the authority aforesaid, That no misnomer of the said corporation and their successors shall defeat or annul any gift, grant, devise or bequest to or from the said corporation, provided the intent of the party or parties shall sufficiently appear upon the face of the gift, will, grant or other writing whereby any estate or interest was intended to pass to or from the said corporation.

Sec. 3. And be it further enacted by the authority aforesaid, That the said corporation and their successors shall have full power and authority to make, have and use one common seal, with such devise and inscription as they shall think fit and proper, and the same to break, alter and renew at their pleasure.

Sec. 4. And be it further enacted by the authority aforesaid, That the said corporation and their successors, by the name, style and title aforesaid, shall be able and capable in law to sue and be sued, plead and be impleaded, in any court, or before any judge or justice, in all and all manner of suits, complaints, pleas, matters and demands, of whatsoever nature, kind and form they may be, and all and every matter and thing to do in as full and effectual a manner as any other person, bodies politic or corporate, within this Commonwealth, may or can do.

SEC. 5. And be it further enacted by the authority aforesaid, That the said corporation and their successors shall be and hereby are authorized and empowered to make, ordain and establish by-laws and ordinances, and do everything incident and needful for the support and due government of the said corporation, and managing the funds and revenues thereof; *Provided*, the said by-laws be not repugnant to the constitution and laws of the United States, to the constitution and laws of this Commonwealth, or to this Act.

SEC. 6. And be it further enacted by the authority aforesaid, That the said corporation shall not at any time consist of more than eighteen persons, whereof the said General Assembly may at their discretion, as often as they shall hold their sessions in the State of Pennsylvania, change one-third in such manner as to the said General Assembly shall seem proper. And the corporation aforesaid shall have power and authority to manage and dispose of all moneys, goods, chattels, lands, tenements and hereditaments, and other estate whatsoever, committed to their care and trust by the said General Assembly; but in cases where special instructions for the management and disposal thereof shall be given by the said General Assembly in writing, under the hand of their clerk, it shall be the duty of the said corporation to act according to such instructions; *Provided*, the said instructions shall not be repugnant to the constitution and laws of the United States, or to the constitution and laws of this Commonwealth, or to the provisions and restrictions in this Act contained.

SEC. 7. And be it further enacted by the authority aforesaid, That six members of this corporation, whereof the president, or, in his absence, the vice-president, to be one, shall be a sufficient number to transact the business thereof, and to make by-laws, rules and regulations; *Provided*, that previous to any meeting of the Board or corporation for such purposes not appointed by adjournment, ten days' notice shall be previously given thereof in at least one of the newspapers printed in the city of Philadelphia. And the said corporation shall and may, as often as they shall see proper, and according to the rules by them to be prescribed, choose out of their number a president and vice-president, and shall have authority to appoint a treasurer and such other officers and servants as shall by them, the said corporation, be deemed necessary; to which officers the said corporation may assign such a compensation for their services, and such duties to be performed by them, to continue in office for such time, and to be succeeded by others in such way and manner, as the said corporation shall direct.

SEC. 8. And be it further enacted by the authority aforesaid, That all questions before the said corporation shall be decided by a plurality of votes, whereof each member present shall have one, except the president, or vice-president when acting as president, who shall have only the casting voice and vote in case of an inequality in the votes of the other members.

SEC. 9. And be it further enacted by the authority aforesaid, That the said corporation shall keep regular and fair entries of their proceedings and a just account of their receipts and disbursements in a book or books to be provided for that purpose, and their treasurer shall once in a year exhibit to the General Assembly of the Presbyterian Church in the United States of America an exact state of the accounts of the corporation.

SEC. 10. And be it further enacted by the authority aforesaid, That the said corporation may take, receive, purchase, possess and enjoy messuages, houses, lands, tenements, rents, annuities and other hereditaments, real and personal estate of any amount not exceeding ten thousand dollars a year value, but the said limitations not to be considered as including the annual collections and voluntary contributions made in the churches under the care of the said General Assembly.

CADWALADER EVANS, JR.,
Speaker of the House of Representatives.
ROBERT HARE,
Speaker of the Senate.

Approved March 28, 1799.

THOMAS MIFFLIN,
Governor of the Commonwealth of Pennsylvania.

—1799, pp. 173–175.

b. The Charter Accepted.

The Committee appointed by the General Assembly of the Presbyterian Church to endeavor to obtain from the Legislature of the State of Pennsylvania an act of incorporation authorizing certain trustees to hold the property of the Assembly, etc., report that on application to the Legislature they obtained the act of incorporation for which they were directed to apply, a

copy of which accompanies this report, corresponding exactly with the draught which was last year submitted to the Assembly, excepting only the sum which the trustees are authorized to hold is somewhat smaller than was inserted in that draught.

The above report, and act of incorporation accompanying it, were read and approved.—1799, p. 173.

c. Mode of Electing the Trustees.

Resolved, That it is expedient to adopt and recommend the following system:

1. That when this subject is called up annually a vote shall first be taken whether for the current year the Assembly will or will not make any election of members in the Board of Trustees.

2. If an election be determined on, the day on which it shall take place shall be specified, and shall not be within less than two days of the time at which such election shall be decided on.

3. When the day of election arrives, the Assembly shall ascertain what vacancies in the number of the eighteen trustees incorporated have taken place, by death or otherwise, and shall first proceed to choose other members in their places. When this is accomplished, they shall proceed to the trial whether they will elect any, and if any, how many of the third of the number of the trustees which by law they are permitted to change, in the following manner, viz.: The list of the trustees shall be taken, and a vote be had for a person to fill the place of him who is first on the list. In voting for a person to fill said place, the vote may be given either for the person who has before filled it or for any other person. If the majority of votes shall be given for the person who has before filled it, he shall continue in office. If the majority of votes shall be given for another person, this person is a trustee duly chosen in place of the former. In the same form the Assembly shall proceed with the list till they have either changed one-third of the trustees (always including in the third those who have been elected by the sitting Assembly to supply the places become vacant by death or otherwise), or by going through the list shall determine that no further alteration shall be made.—1801, p. 217.

d. Rules for Intercourse between the Trustees and the Assembly.

The Committee appointed to meet a Committee of the Board of Trustees of the Assembly to digest and prepare a regular and stated mode of intercourse between the Assembly and the trustees made a report, which was read and approved, as follows, viz.:

That the management and disposal of all moneys, goods, chattels, lands, tenements, hereditaments, and all other estate whatever, committed to their care and trust by the General Assembly, is invested in the said trustees, unless where special instructions for the management and disposal thereof shall be given by the General Assembly in writing, under the hand of its clerk, in which case the corporation is to act according to said instructions. That an exact state of the accounts of the trustees is to be exhibited by their treasurer to the General Assembly once in every year; whereupon it is recommended,

1. That this state of the accounts be laid before the General Assembly as early in their session as possible, in order that the General Assembly may know what appropriations it may be in their power to make, or what instructions to give to their trustees respecting the moneys in hand.

2. That when any appropriations are made by the General Assembly a

copy of their minute for that purpose, signed by the clerk, shall be transmitted to the trustees, and shall be their warrant for the payment of all moneys thus appropriated.

3. That when any measures are taken or any resolutions adopted by the General Assembly, or the Board of Trustees, which it concerns the other to be acquainted with, due information of the same shall be given as soon as possible to the other.—1801, p. 232. See also Baird's Collection, Rev. Ed., pp. 484–502.

e. Adjustment on the Reunion.

A Committee, consisting of Rev. C. C. Beatty, D. D., V. D. Reed, D. D., Hon. Wm. Strong, and Messrs. H. N. McAllister and George Junkin, were appointed to consider and report what changes, if any, are necessary to be made in the Board of Trustees of the General Assembly of the Presbyterian Church in the United States of America, in order that there may be an equitable distribution of said trustees in accordance with the present state of the reunited Church, and to report to this Assembly.—1870, p. 53.

The Committee appointed to consider and report on the changes in the Board of Trustees of the General Assembly presented the following report, which was adopted: Of the eighteen members of the Board of Trustees, one was appointed before 1837, and all the others since that time by the "Old School" Assemblies at different periods. It seemed to the Committee eminently proper that at this Assembly a change should be made so that what was formerly known as the "New School" branch of the Church should be represented in the Board. Hereafter no such distinctions need be made.

Under the charter the Assembly has the power at its discretion, as often as it shall hold its sessions in the State of Pennsylvania, to change one-third of the trustees, in such manner as it shall seem proper. In the exercise of this discretion it is a difficult task for the Committee to recommend action in the premises. In view, moreover, of all the circumstances, it seemed best to suggest the removal of six of the trustees who were only elected at the meeting of the Assembly at Pittsburg in November last. The regret of the Committee is that thereby we lose the services of six gentlemen of the highest character. But this course appeared least open to objection.

Your Committee, therefore, recommend the adoption of the following resolution:

Resolved, That from and after this date Rev. David A. Cunningham, Hon. John K. Findlay, Archibald McIntyre, James T. Young, Robert Cornelius and H. Lenox Hodge, M. D., cease to be trustees, and in their place Hon. William Strong, Hon. Joseph Allison, Alexander Whildin, Rev. Herrick Johnson, D. D., William G. Crowell and John C. Farr are appointed trustees of the corporation, entitled "The Trustees of the General Assembly of the Presbyterian Church in the United States of America."—1870, p. 98.

CHAPTER XIII.

OF ELECTING AND ORDAINING RULING ELDERS AND DEACONS.

I. HAVING defined the officers of the church, and the judicatories by which it shall be governed, it is proper here to prescribe the mode in which ecclesiastical rulers should be ordained to their respective offices, as well as some of the principles by which they shall be regulated in discharging their several duties.

II. Every congregation shall elect persons to the office of ruling elder, and to the office of deacon, or either of them, in the mode most approved and in use in that congregation. But in all cases the persons elected must be male members in full communion in the church in which they are to exercise their office.

[See Form of Government, chap. v., 1.]

1. Elders must be duly Elected and set Apart.

The following inquiry was referred to the decision of the Assembly by the Synod of the Carolinas, viz.:

In what point of light are the elders nominated and ordained by Mr. Balch to be viewed hereafter in Mount Bethel Congregation?

It was determined by the Assembly that the "elders" mentioned in the inquiry are to be henceforth viewed as private church members only, unless they be duly elected and set apart as church officers hereafter.—1798, p. 158.

2. The Session may Propose Names to the Congregation.

The reports on the records of the Synod of Pittsburg were taken up and read. The majority report is as follows, viz.: "The Committee to whom the records of the Synod of Pittsburg were committed would report that they have examined the same and find them regularly and neatly kept, and would recommend their approval."

The report of the minority is as follows, viz.: "The minority of the Committee on the Records of the Synod of Pittsburg recommend that they be approved, with the exception of the censure passed on the Presbytery of Redstone, p. 284, for their disapproval of the action of the session of Morgantown in nominating two persons to the office of ruling elder in that congregation, and recommend that the judgment of the Synod be reversed, and that the following resolution be adopted, to wit:

Resolved, That in the judgment of the Assembly the nomination by the session of persons to the office of ruling elder or deacon is contrary to Form of Government, chap. xiii., sec. ii., which says, "Every congregation shall elect persons to the office of ruling elder or deacon in the mode most approved and in use in that congregation," and is inconsistent with the freedom of elections.

On motion, the report of the majority was adopted as the sense of the Assembly, and the whole ordered to be entered on the minutes.—1847, p. 381, O. S.

3. A Meeting for the Election of Elders can be called Regularly only by the Session or by some higher Court.

The Committee on Bills and Overtures reported—

Overture No. 1, being an overture from two ruling elders of the Brazeau church, Presbytery of Potosi, Synod of Missouri, as follows: "Is it regular for a congregation, where there is no pastor, and a session of two ruling elders, to call a meeting of the congregation and elect a new session without consulting the session of the church where said election was made by a small minority of the church?"

The Committee recommend the following answer: "The session of a church should always be consulted with reference to calling a meeting for the election of additional ruling elders; and it is irregular to call a meeting for such a purpose, and proceed to an election, unless the meeting is called through and by authority of the session or some higher court."

The report and recommendation were adopted.—1867, p. 320, O. S.

[See 6, *a*, *below*.]

4. The Remedy in Case the Session Refuse to Convene the Congregation is to Complain to Presbytery.

The session of a church has the authority to convene the congregation for all such purposes; but should the session neglect or refuse to convene the congregation, the party feeling aggrieved has its remedy by application to Presbytery in the form of a complaint.—1822, p. 49.

[See 10, below, 1840, p. 305, O. S. Also Discipline, chap. vii., sec. iii., sub sec. iv., ii., 2, *d*.]

5. A Superior Judicature may Authorize the Meeting.

That the entire Church take immediate measures to elect a new bench of elders, with a view to promote the peace of the church, and to secure the permanent settlement of the gospel ministry among them. [See under vii., below.]—1834, p. 453.

6. Irregularity in the Call does not Necessarily Invalidate the Election.

a. G. B. Smith and J. T. Clark were elected elders of the church of Madison, Wisconsin, at a meeting held on Sunday, 26th August, 1855. David Dennon and H. J. Davidson were elected deacons. Notice of the meeting had been given on the previous Sabbath from the pulpit, and also on the day of meeting. Messrs. G. B. Smith and J. T. Clark were ordained as elders on the evening of that day. David Dennon was at the same time ordained as deacon. At the next meeting of Presbytery, called *pro re nata*, at the request of the party opposed to the present complainants, J. T. Clark and J. Y. Smith both claimed seats as the representatives of the Madison church. Mr. Clark had been appointed by the session, the vote being a tie, and the casting vote being given for him by the moderator. The two former elders of the church, one of whom was an ordained minister and a member of the Presbytery of Dane, withdrew, alleging that they disputed the fact that the other two were elders. At the Presbytery, J. Y. Smith contested the right of Clark to a seat in that body, on the ground that the meeting to elect elders had not been called by order of the existing session. The existing or former session and their party had due notice of the meeting, and were present at its commence-

ment. They attempted to postpone the election, and withdrew after the majority had voted to proceed with the election.

The Presbytery of Dane admitted Mr. Clark to his seat, thus recognizing the validity of his election and ordination. Against this action of the Presbytery, J. Y. Smith and his party complained to the Synod of Wisconsin. The Synod sustained the complaint, thus pronouncing the election and the ordination of the new elders invalid. Against this decision of the Synod, Mr. Gardiner and Mr. J. T. Clark complain.

The above is the statement of the case as agreed upon by the parties. It is submitted with a view of saving the time of the Assembly.

The Judicial Committee recommend to the Assembly the adoption of the following minute, as a final settlement of the case, agreed on by both parties:

1. That the complaint be sustained *pro forma*, and the decision of the Synod be reversed, so far as it pronounces the election and ordination of the elders and deacons invalid, the Assembly being of opinion that the informality in the call of the congregational meeting was not so serious as to vitiate the election and ordination.

2. That the Synod was right in pronouncing the call of the congregational meeting irregular.

3. That although the Assembly thus recognize the validity of the election and ordination of the said elders and deacons, they yet recommend, the said elders having assented thereto by their representatives, that in view of past and existing difficulties the said elders and deacons cease to act, according to our Form of Government, until such time as in the estimation of the Presbytery of Dane the church can be reasonably harmonious in receiving them in their official capacity.—1856, p. 517, O. S.

b. Nor does Irregularity in the Mode of Election Invalidate the Ordination.

[See below, 12, 1835, p. 471.]

7. Must be Members in Full Communion, Ministers not Eligible.

a. Overture No. 10, from sundry members of the Assembly, inquiring whether an ordained minister may accept and exercise the office of ruling elder in a church belonging to the same Presbytery of which he is a member.

At the recommendation of the Committee this was answered in the negative.—1856, p. 522, O. S.

b. The Special Committee, appointed by the last Assembly on the relation of unemployed ministers to the churches among whom they reside, presented their report, which was adopted, and is as follows:

By the last General Assembly, which met at Dayton, Ohio, the undersigned were appointed a Committee to consider and report upon the following resolution (see Minutes, 1864, p. 462):

Resolved, That the subject of the relation of unemployed ministers to the churches among whom they reside, and whom they may be desired and are disposed to serve as ruling elders, be referred to a Committee to consider and recommend what action can and ought to be taken by the Assembly for removing the constitutional restriction which prevents the employment of such ministers in the service of the church as ruling elders, and report to the next Assembly.

The "constitutional restriction" referred to is found in the Form of Government, chap. xiii., ii., where it is said that persons elected to the offices of ruling elder and of deacon must "in all cases" be male members in full communion in the church in which they are to exercise their

office. By the practice of our Church, ministers are not members of any particular church, and therefore cannot be eligible to the above offices.

The case might be reached constitutionally in one of two ways. The first would be an alteration of the above rule, making an express exception in respect to "unemployed ministers;" but this would involve the infelicity and inconvenience of holding two offices, and would require adjustments of other parts of the Constitution.

The other mode would be the adoption of a constitutional provision, allowing, in certain well-defined cases, the demitting of the ministerial office. While some of your Committee are inclined to this course, yet they do not think it expedient to recommend it for adoption without further discussion and more specific instructions from the Assembly.

At the same time, your Committee are unanimously of the opinion that any church has a right to avail itself of the experience and wisdom of such unemployed ministers. While it cannot directly invest such ministers with the office of ruling elder, yet it may, by a formal vote, request them to take part in all the deliberations of the session.* What is desirable in the case may thus be gained without any violation of constitutional provision.—1865, pp. 13, 14, N. S.

c. A minister belonging to the Presbytery of Grand River Valley, now editing a paper and not preaching on account of throat difficulty, was solicited to accept the office of elder by the First Presbyterian Church of Grand Haven, Michigan, was elected unanimously, accepted the office and entered on his duties. The Presbytery in reviewing the records declared it was irregular, and did nothing more. The pastor of said church brought the matter before the session; and after considering the case, the session did nothing. This brother, not being able to preach and over sixty years of age, accepted the office of ruling elder because he was willing to work in the vineyard of the Lord in a more humble capacity, but has not resigned the ministerial office, holding still his place as a member of the Presbytery of Grand River Valley.

The Committee recommended for answer a reference to the report of the Special Committee on this subject, made to the Assembly of 1865, and found in the minutes for that year, pp. 13, 14.

The report was adopted.—1869, p. 282, N. S.

d. An Exception Allowed in the Case of Foreign Missionaries.

From the Synod of Wisconsin and Presbytery of Corisco, asking whether a minister who has been compelled in the providence of God to lay aside active ministerial duties is eligible to the eldership.

The Committee recommend that the Synod and Presbytery be referred to the action of the General Assembly (O. S.) of 1856 (see *a*, above), and that that action be now reaffirmed by this Assembly—That an ordained minister cannot be also a ruling elder in a congregation.

And that the Presbytery of Corisco be also informed that in exceptional cases, on foreign missionary ground, it may be expedient for a minister to perform temporarily the functions of a ruling elder without having been specially set apart to the office.—1871, p. 546.

* But see chap. ix., secs. i., iii., where it is affirmed that a session may not invite a minister of the gospel to sit as a corresponding member. A minister cannot act as a ruling elder, since he is not a "representative of the people" nor elected by the Church for that service.

8. Uniformity in the Mode of Election deemed Impracticable.

The Committee on Overture No. 9, relating to an amendment in the Form of Government, chap. xiii., sec. ii., reported, and their report was adopted, and is as follows, viz.:

The Committee to whom was referred the consideration of the Overture No. 9, relating to an alteration of that part of the Constitution of our Church which gives the right of choosing ruling elders and deacons to the congregation, in the way most approved and in use in the congregation, reported, that after deliberating on the subject they find themselves unable to devise any method by which a uniformity of practice can be established in this interesting concern throughout the different sections of our Church, and believe that any alteration effected in the Constitution, with a view to relieve the difficulties in one section, would produce difficulties in another section of the Church. The Committee therefore judge it inexpedient to propose any alteration, and recommend that the Assembly dismiss this subject from any further consideration.

[See 10, below.]—1826, p. 187.

9. The Mode most Approved and in Use may be Changed by the Congregation.

And while the Assembly would recognize the undoubted right of each congregation to elect their elders in the mode most approved and in use among them, they would recommend that in all cases where any dissatisfaction appears to exist, the congregation be promptly convened to decide on their future mode of election. And they are inclined to believe that the spirit of our Constitution would be most fully sustained by having in all cases a direct vote of the congregation in the appointment of elders.—1827, p. 215.

10. The Right of the Superior Judicatory to Interfere with the Mode in Use Disavowed.

The Assembly deem it proper, in sustaining the complaint of the Presbytery of Blairsville, to declare that they do it on the ground that the decision of the Synod of Pittsburg, disapproving of the act of the Presbytery, if carried into effect, would render it necessary for the churches in that Presbytery, and any other within the bounds of that Synod whose practice may be the same, to change their usage as to the manner of electing ruling elders, which by the Constitution is left to be regulated by "the mode most approved and in use in each church." At the same time, the Assembly, in coming to this result, have no design to establish a uniform mode of electing elders throughout the Church, which is designedly left by the Constitution to be regulated by the usage of each particular church.

And it may be added that in those churches in which the usage has prevailed for the existing eldership to determine when and how large an addition shall be made to the session, the Church has an effectual security against the abuse of that power, in the right of appeal or complaint secured by the Constitution.—1840, p. 305, O. S.

11. Who are the Electors of Ruling Elders and Deacons?

a. Members not Communicants, where such is the Usage.

The General Assembly, having gone fully into the consideration of the appeal from the decision of the Synod of Ohio, by Messrs. Lowerie and Kelso, and having seen with deep regret the appearance of much disorder

in the whole business, which they disapprove, believing, as the Assembly do, that the election of elders should be conducted with all due deliberation, according to the letter of the Constitution of the Presbyterian Church, and in the spirit and temper of the gospel, and although the Assembly are of the opinion that it would be most desirable to have the communicants only as the electors of ruling elders, yet, as it appears to be the custom in some of the churches in the Presbyterian connection, to allow this privilege to others, they see no reason why the election be considered void, nor any reason why the decision of the Synod of Ohio should not be affirmed. Therefore,

Resolved, That the sentence of the Synod of Ohio be and it is hereby affirmed.—1822, p. 49.

b. Only baptized Persons allowed to Vote.

Ought an unbaptized person, who yet pays his proportion for the support of a congregation, to be permitted to vote for ruling elders?

The office of ruling elder is an office in the Church of Christ; that ruling elders as such, according to the Confession of Faith, Book I., on Government, chap. v., are "the representatives of those by whom they are chosen, for the purpose of exercising government and discipline," in the kingdom of our Lord Jesus Christ; that the discipline lawfully exercised by them is the discipline exercised through them by their constituents, in whose name and by whose authority they act in all that they do. To suppose, therefore, that an unbaptized person, not belonging to the visible kingdom of the Redeemer, might vote at the election of ruling elders, would be to establish the principle that the children of this world might through their representatives exercise discipline in the Church of God, which is manifestly unscriptural and contrary to the standards of our Church; and your Committee would therefore recommend that the question in the said overture be answered in the negative.—1830, p. 284.

c. Most consonant to our form of Government that Communicants only be the Electors.

Are others than communicants entitled to vote for ruling elders?

The Assembly, in accordance with the decision of former Assemblies, judges it most consonant to our Form of Government that communicants only should vote in the election of ruling elders.—1855, p. 299, O. S.

d. No Distinction to be made as to the Age of Electors.

As to the right of minors to vote in the election of elder and deacon.

That it is not in accordance with the principles and usages of the Presbyterian Church to distinguish between members of the Church as to their ages, in voting for officers of the Church.—1859, p. 18, N. S.

12. Mode of Electing for a Term of Years supposed to be Irregular.

a. Your Committee are of opinion that the mode of electing elders in the congregation of Wheatland for a term of years was irregular, and ought in future to be abandoned, but cannot invalidate the ordination of persons thus elected and ordained to the office of ruling elder.—1835, p. 471. [See 1867, p. 320, O. S.]

b. Overture to limit the Term of Service declined.

The overture on limiting the term of service of ruling elders was, on motion, taken up for consideration. The report of the Committee was

adopted, and is as follows: Whereas, sundry memorials have been presented to the Assembly, asking for a change of the Constitution respecting the term of service in the office of ruling elder:

Resolved, That while the Assembly sympathize with those churches, which are more especially tried by the present rule, yet believing that the evils of a change would far outweigh those of the present system, they are not prepared to recommend any overture on the subject.—1849, p. 182, N. S.

c. An overture from the Presbytery of Pennsylvania, asking "whether the Constitution of our Church shall be so altered as to make the term of office of ruling elder temporary in such churches as prefer it," was taken up and answered as follows:

The Assembly do not deem it expedient, or for the edification of the Church, to send down to the Presbyteries such an overture; the most obvious and natural construction of our Form of Government does not contemplate a rotary eldership; and while such an organization of a session is not *Anti-presbyterial*, yet the Assembly would discourage the adoption of the principle in our Church, from respect to the plain meaning of our rule; but nothing in this resolution is intended to disturb the relation of those churches which have adopted the principle of a limited period in the services of elders.—1852, p. 177, N. S.

d. Is it contrary to the Constitution of the Presbyterian Church to elect elders for a definite period?

Answered in the words above, "the most obvious," etc.—1862, p. 34, N. S.

e. Overture, asking the Assembly to take the proper measures for having the Constitution changed in regard to ruling elders, so as to make the office temporary.

Resolved, that it is inexpedient to send down to the Presbyteries the proposed alterations.—1857, p. 45, O. S.

f. Judicial case. The vote was taken, and the complaint was not sustained. This vote condemned the following plan adopted by the church of Greenville Presbytery of Kaskaskia:

ART. 1. The members of this church will meet on the —— day of ———, A. D. ——, and at said meeting the following question shall be submitted for their vote and decision: "Is it your pleasure that any change or increase of number shall be made in the acting eldership of this Church?"

2. If the vote on the above question shall be in the negative, the matter shall there end.

3. If the vote on the aforesaid question shall be in the affirmative, then the church shall proceed to cast their ballots for ruling elders to represent them in the session of the church.

4. If any of the members of the existing session shall receive a majority of the votes thus cast, they shall continue to be and act as ruling elders in that congregation.

5. If any of the acting elders of the church shall not receive a majority of the votes thus cast, then they shall, upon their consent, and the required record to made by the session (Form of Government, chap. xiii., sec. vii.), cease to be acting elders.

6. If any acting elder shall fail to receive a majority of the votes cast at said election, and shall not concur in the will of the church thus expressed, then the matter shall be referred to the Presbytery for its advice in the premises.

7. If any person or persons, not previously acting as ruling elders, shall receive a majority of votes cast at said election, then such per

son or persons shall be installed, or ordained and installed, as the case may be.

8. Triennially, after the meeting above provided for, or as nearly triennially as the session shall judge to be suitable to the convenience and wishes of the congregation, there shall be a similar meeting of the church, to be called by order of the session, after public notice from the pulpit, at which the same question shall be proposed and voted upon by the church, and the same proceedings had as are provided for in the foregoing articles.—1869, p. 911, 912, O. S.

g. Overture from the Presbytery of Muncie, asking the Assembly to provide for such an amendment of the Constitution as that any church may elect both deacons and ruling elders for a limited term of years. The Committee recommend that it is inexpedient at this time to take any action on the subject. Adopted.—1871, p. 592.

13. The Right of a Congregation to Elect Elders to Serve for a Term of Years Affirmed.—A Judicial Case.

The Judicial Committee reported Case No. 1, being a complaint of Rev. Alfred Nevin, D. D., and others against a decision of the Synod of Philadelphia relative to the term of the eldership; the report was received and placed on the docket.—1872, p. 15.

a. The history of the "Case No. 1" is as follows: The church of Great Valley, in the Presbytery of Chester, had elected two elders to serve for a term of three years each, their usage heretofore having been to fix no limit. On review of their records, the Committee reported a censure and affirmed the action of the church to be unconstitutional. The Presbytery refused to sustain the censure, and approved the records. Against this action of the Presbytery a complaint was made to the Synod of Philadelphia. In the Synod, Oct. 20, 1871, the proceedings were as follows:

Judicial Case No. 1 was then taken up, being a complaint of certain ministers and elders of the Presbytery of Chester of the action of said Presbytery in approving the minutes of the session of the Great Valley church, that church having elected ruling elders for a term of years, which the complainants believed to be unconstitutional.

The papers were read—viz., the complaint, and the record of the Presbytery of Chester in the case. The original parties were heard—viz., the complainants, and the Rev. W. E. Moore and the Rev. Orr Lawson—on behalf of the Presbytery of Chester. The roll was then called, and opportunity given for every member to express his opinion on the case. The final vote was as follows:

To sustain	26
Not to sustain	40

The complaint, therefore, was not sustained.

Mr. John F. Templeton gave notice for himself and others of his intention to complain of this decision of the Synod to the next General Assembly.

The Rev. Wm. E. Moore and the Rev. B. L. Agnew were appointed a Committee to defend the action of the Synod before the Assembly.—*Minutes Synod of Philadelphia*, 1871, p. 28.

b. In the Assembly of 1872.

Judicial Case No. 1 was taken up. The moderator called upon the Assembly to remember and regard their solemn duty as a court of Jesus Christ. The case was conducted according to the Book of Discipline, chap. vii., sec. iii. (The case was continued from day to day.)

The unfinished business was resumed. The parties having been heard, and the members of the Assembly having had an opportunity to express their views, the final vote was taken, 145 to 173, so the complaint was not sustained.—1872, pp. 51, 68.

The following Committee was appointed to bring in a minute with reference to the case just decided: Rev. Charles S. Robinson, D. D., Rev.

Tryon Edwards, D. D., Rev. Elliott H. Payson, Hon. James E. Brown and Hon. Lawson A. Parks.—1872, p. 69.

c. The Committee to report a minute on Judicial Case No. 1 presented the following report, which was adopted:

The case seemed to present in a judicial form the question of the interpretation of our Constitution concerning the election of elders and deacons, and yet many of the Assembly do not regard it as really involving that question. Hence, in defining its own action the Assembly is not to be understood as deciding that in any case the actual service of the eldership should be either permanent or limited; but while the office is perpetual, the time of its exercise in each individual congregation may be left to the decision of the church itself, according to the mode approved and in use in such church.—p. 75.

d. Dissent.

[Against the foregoing action a dissent was offered by Rev. Messrs. Joseph T. Smith, J. S. Grimes, Geo. S. Bishop and Geo. H. King, and ordered to be entered on the minutes, viz.:]

1. Because the decision of the Assembly was in contravention of the standards of the Church as uniformly intrepreted by this court.

2. Because many members of the Assembly sat as judges and voted in the case who confessed themselves guilty of the offence charged.—p. 80.

e. Answer: Limitations of Term of Service Constitutional.

[The Committee appointed to answer this dissent, Rev. Tryon Edwards, D. D., Rev. T. Ralston Smith, D. D., Rev. Edward D. Morris, D.D., Hon. David B. Greene and Hon. Royal E. Barber, reported the following, which was adopted:]

Had the dissent been offered without reason and simply as a record of the vote of the dissenters, it would have been entirely proper to enter it on the minutes of the Assembly without reply. It would then have been in the nature only of a record in part of ayes and nays. But as it is accompanied with reasons, it is virtually a protest, and it is proper in reply to say:

1. That the Assembly by its minute adopted in the case expressly declares that it does not regard its decision as contrary to, but in accordance with, the standards of the Church, and that in the very language of the standards themselves.

2. That it does not appear that any one sat as a judge or voted in the case who had confessed himself guilty of the supposed offence, or of any offence against our standards.

It is but justice to say that the majority claim and believe their vote to be in accordance with our standards, nor does it appear that any of them has ever voted for a limit to the office of the eldership, or otherwise than in full accordance with our standards liberally and historically interpreted.—1872, p. 85.

14. An Overture Proposing a Change in the Form of Government.

Resolved, That all overtures and papers concerning the office of ruling elder be referred to a Committee of seven, viz.: Rev. A. T. McGill, D. D., William E. Moore, D. D., S. J. Niccolls, D. D., William M. Paxton, D. D. Hon. William Strong, LL.D., Hon. William E. Dodge and Lewis Chapin, who shall report to the next General Assembly an overture to the Presbyteries proposing a change in the Form of Government.—1873, p. 547.

III. When any person shall have been elected to either of these offices, and shall have declared his willingness to accept thereof, he shall be set apart in the following manner:

IV. After sermon the minister shall state, in a concise manner, the warrant and nature of the office of ruling elder or deacon, together with the character proper to be sustained and the duties to be fulfilled by the officer elect; having done this he shall propose to the candidate, in the presence of the congregation, the following questions, viz.:

1. Do you believe the Scriptures of the Old and New Testaments to be the word of God, the only infallible rule of faith and practice?

2. Do you sincerely receive and adopt the Confession of Faith of this Church as containing the system of doctrine taught in the Holy Scriptures?

3. Do you approve of the government and discipline of the Presbyterian Church in these United States?

4. Do you accept the office of ruling elder (or deacon, as the case may be), in this congregation, and promise faithfully to perform all the duties thereof?

5. Do you promise to study the peace, unity and purity of the church?

The elder or deacon elect having answered these questions in the affirmative, the minister shall address to the members of the church the following question, viz.:

"Do you, the members of this church, acknowledge and receive this brother as a ruling elder (or deacon), and do you promise to yield him all that honor, encouragement and obedience in the Lord to which his office, according to the word of God and the Constitution of this Church, entitles him?"

The members of the church having answered this question in the affirmative, by holding up their right hands, the minister shall proceed to set apart the candidate, by prayer, to the office of ruling elder (or deacon, as the case may be), and shall give to him and to the congregation an exhortation suited to the occasion.

V. Where there is an existing session it is proper that the members of that body, at the close of the service, and in the face of the congregation, take the newly-ordained elder by the hand, saying in words to this purpose: "We give you the right hand of fellowship to take part of this office with us."

1. Mode of Ordination.—Laying on of Hands Approved.

a. Our Form of Government, chap. xiii., sec. iv., declares that such, whether elder or deacon, shall be set apart to their respective offices by

prayer. The imposition of hands, however, we are aware, in many of our churches is practiced; and as it is plainly in accordance with apostolic example, it is the opinion of the Assembly that it is proper and lawful. We conceive that every church in this respect may with propriety be left to adopt either of these two modes as they think suitable and best.—1833, p. 405.

b. An overture from the Presbytery of South Alabama on the subject of ordaining elders and deacons by the imposition of hands. The Committee recommended that it be left to the discretion of each church session to determine the mode of ordination in this respect, which was adopted. —1842, p. 16, O. S.

c. [The session of the Mount Bethany church, having been censured by the Presbytery of Memphis for ordaining deacons with the laying on of hands, memorialized the Assembly "to determine whether in the ordination of elders and deacons it is unconstitutional or otherwise improper to use the right of laying on of hands by the existing eldership."]

Resolved, That the session of Mount Bethany church be referred to the minutes of the Assembly of 1842 for an answer to said overture.—1851, pp. 12, 35, 172, and 1852, p. 227, O. S.

2. Ordination Essential to the Validity of the Judicial Acts of an Elder.

The Committee on Church Polity reported two questions, with the recommendation that they be answered in the negative:

1st. Is an elder elect a member of the session, and competent to sit in a judicial case before he has been ordained according to the Form of Government?

2d. Would a decision in a case of discipline, made by a session whose members have never been ordained according to the Form of Government, chap. xiii., be a valid and lawful decision and binding upon the accused?

The report was adopted.—1868, p. 58, N. S.

3. Installation Required on Resuming the Office.

When a ruling elder in the Presbyterian Church, by removal or otherwise, terminates his connection with the session by whom he was ordained, does he require installation before he can regularly exercise again the office in the same church or in any other one? [Answered in the affirmative.]—1849, p. 265, O. S.

[An overture from the Presbytery of Erie, asking whether the answer of the General Assembly of 1849 in relation to the installation of ruling elders who have removed from one church to another has a retrospective or only a prospective bearing.]

The Committee recommended the following answer to the question; That it has a prospective bearing.

The recommendation was adopted.—1850, p. 454, O. S.

4. Mode of Installation of an Elder already Ordained.

1. *Resolved*, That any elder regularly ordained and installed in one church and subsequently elected to the same office in another church, and who has heretofore, pursuant to such election, served as an elder in such church *without objection*, shall be presumed to have been duly installed therein, and his right to act shall not now be questioned.

2. *Resolved*, That when an elder shall hereafter be elected to the same office in a church other than that in which he has been ordained and in-

stalled, the minister and session are hereby enjoined formally to install him.

3. *Resolved*, That this Assembly hereby declare that the existing law of the Church as to the mode of such installation is as follows, viz.: After sermon the minister shall speak of the office and duties of ruling elders as in case of ordinations, and shall then propose to the elder elect in the presence of the congregation the following questions: *Do you sincerely receive and adopt the Confession of Faith of this Church as containing the system of doctrine taught in the holy Scriptures? Do you accept the office of ruling elder in this congregation, and promise faithfully to perform all the duties thereof? Do you promise to study the peace and unity and purity of the Church?* The elder elect having answered these questions in the affirmative, the minister shall ask the members of the church whether they accept him, as in cases of ordination. The members of the church having answered in the affirmative by holding up their right hands, the minister shall declare him an elder of that church, and accompany this act by exhortation and such other proceedings as he may deem suitable and expedient.—1856, p. 539, O. S.

VI. The offices of ruling elder and deacon are both perpetual, and cannot be laid aside at pleasure. No person can be divested of either office but by deposition. Yet an elder or deacon may become by age or infirmity incapable of performing the duties of his office, or he may, though chargeable with neither heresy nor immorality, become unacceptable in his official character to a majority of the congregation to which he belongs. In either of these cases he may, as often happens with respect to a minister, cease to be an acting elder or deacon.

[See Form of Government, chap. iii. sec. ii.]

1. Perpetuity of the Office Affirmed.

a. The Committee to whom was referred Overture No. 1, a communication from the session of Wheatland congregation in reference to the appointment of Freeman Edson as a commissioner to this Assembly, beg leave to present the following report:

Agreeably to the Constitution of our Church, the office of ruling elder is perpetual (see Form of Government, chap. xiii., sec. vi.), and cannot be laid aside by the will of the individual called to that office, nor can any congregation form rules which would make it lawful for any one to lay it aside. Your Committee are of opinion that the mode of electing elders in the congregation of Wheatland for a term of years was irregular and ought in future to be abandoned, but cannot invalidate the ordination of persons thus elected and ordained to the office of ruling elder. And whereas it appears that Mr. Freeman Edson was once elected to the office of ruling elder in the church of Wheatland, and was regularly set apart to that office; whereas, there seems to be some material diversity of views between the Presbytery of Rochester and the church session to which Mr. Edson once belonged as to the manner in which, and the principle on which, he ceased to be an acting elder in the said church, into which the Assembly have no opportunity at present of regularly examining; and whereas, the Presbytery, with a distinct knowledge, as is alleged, of all the circumstances attending this case, gave Mr. Edson a regular commission as a ruling elder to this General Assembly; therefore,

Resolved, That he retain his seat as a member of the Assembly.—1835, p. 471.

b. But the Time of its Exercise may be left to the Decision of the Church.

In defining its own action, the Assembly is not to be understood as deciding that in any case the actual service of the eldership should be either permanent or limited; but while the office is perpetual, the time of its exercise in each individual congregation may be left to the decision of the church itself, according to the mode approved and in use in such church.—1872, p. 75.

2. Restoration to Church Privileges does not Restore to the Eldership.

When an elder has been suspended from church privileges and again restored to the privileges of the church, is he also restored to his office as a ruling elder?

The two things are distinct; and since an elder as well as a minister may be suspended from his office and not from the communion of the Church, so there may be reasons for continuing his suspension from his office after he is restored to the privileges of the Church. He cannot be restored to the functions of his office without a special and express act of the session for that purpose, with the acquiescence of the Church.—1836, p. 263.

3. An Elder without Charge can Sit in no Church Court.

Resolved, That no ruling elder who has retired from the active exercise of his office in the church to which he belongs can be admitted as a member of a Presbytery, Synod or General Assembly.—1835, p. 489.

VII. Whenever a ruling elder or deacon, from either of these causes or from any other, not inferring crime, shall be incapable of serving the Church to edification, the session shall take order on the subject and state the fact, together with the reasons of it, on their records; *provided always*, that nothing of this kind shall be done without the concurrence of the individual in question, unless by the advice of Presbytery.

1. Elders who cannot Acquiesce in the Decisions of the Superior Courts should Resign.

A petition from the members of the session of the Third Presbyterian Church in this city, asking advice of this Synod with respect to the execution of their office in consequence of the judgment of the Synod respecting that church. After it was duly considered, they returned the following answer, viz.: The Synod advise them to continue to act as elders, but in case they cannot, consistently with what they apprehend to be their duty, continue as such and act upon the decisions of Synod, that they may resign their office, and the congregation proceed to choose other elders who may have freedom to act according to the determinations of the Synod.—1772, p. 435.

2. Ruling Elders may Cease to Act in order to Promote the Peace of the Church.

a. The Assembly earnestly recommend to the whole session, including the majority and the minority, in view of the state of the Fifth Church, to take the constitutional steps and cease from acting as ruling elders in that congregation, and that the entire Church take immediate measures to elect a new bench of elders, with a view to promote the peace of the Church and secure the permanent settlement of the gospel ministry among them. And further, that it be recommended to the persons so elected not to accept the office unless they shall obtain the suffrages of at least two-thirds of the electors participating in the election.—1834, p. 453.

3. The Superior Court directs an Elder to Cease to Act.

With the consent of parties, the complaint (of Mr. William B. Guild against the Synod of New Jersey) is sustained "*pro forma*," but under existing circumstances in the congregation Mr. Guild shall cease to act as a ruling elder in the Third Church at Newark, N. J.—1863, p. 35, O. S.

[The complaint was that the Synod had by a Committee visited the Third Church to see if any member of the session was unacceptable to the people.]

4. The Presbytery, without the Request of the Session or of Members of the Church, may declare that an Elder shall Cease to Act.

Overture No. 46, from the session of the Presbyterian Church at Ironton, Missouri, in reference to the power of the Presbytery to declare that a member of the session shall cease to be an acting elder without any request from the session or any members of the church.

The Committee would recommend the following answer (see Form of Government, chap. x., sec. viii.): Presbytery has power to visit particular churches for the purpose of inquiring into their state, and redressing the evils that may have arisen in them, and to order whatever pertains to their spiritual welfare, without being requested by the session.

The report was adopted.—1869, p. 924, O. S.

5. If a Member of Session be Unacceptable, and the Matter cannot be Arranged by Consent, the proper step is to Memorialize Presbytery.

Overture No. 20, from two members of the General Assembly, with the inquiry: "Has a church session the right to submit to their church members the acceptableness or non-acceptableness of the acting board of ruling elders, or any portion of the board, and to ask the church to settle the question by a vote of the members?"

In case of unacceptableness on the part of any member of a church session, and the matter cannot be amicably arranged by consent of parties, the proper method of redress is by memorializing the Presbytery to give such direction as in its judgment the necessities of the case may require, under the provisions of the Form of Government, chap. xiii.—1867, p. 369, O. S.

The report was adopted.

6. When an Elder resigns, the Presbytery is not Competent to order his Restoration.

Dr. S. F. Day, declining to have his children baptized, his wife being a Baptist, the session of the Wooster church, in which he was an elder, was advised by the Presbytery that in such a case (proposed *in thesi*) the elder should be removed from office. Hereupon Dr. Day gave notice to the session that he resigned the eldership. At a subsequent meeting of Presbytery, upon a memorial from Dr. Day, the Presbytery reconsidered its action, and ordered the session to restore him. Upon appeal the Synod sustained the Presbytery. A complaint was taken up by the pastor, the Rev. James H. Baird, and by the session. The following was the decision. [See Baird's Digest, p. 70.]

Whereas, It appears from the record that Dr. Day was removed from the session of the church of Wooster by his own resignation of his office in that church, and not by the judicial action of the session, it was not competent to the Presbytery to order his restoration to office by the session; and therefore the judgment of the Synod of Ohio confirming such action of the Presbytery was erroneous and ought to be and is hereby reversed, and the complaint of the session, so far as it relates to this point, is sustained.—1854, p. 33, O. S.

[See above, chap. ix., sec. ii., *c*, for a case where an elder refuses to act, and has left the church.—1869, p. 912, O. S.]

7. The Official Relations of an Elder to his Church terminate with his Dismission.

The Presbytery of Iowa City desire the Assembly "to determine when the rights and privileges of ruling elders and private members cease, on their receiving letters of dismission; and whether the same rule obtains as in the dismission of ministers from a Presbytery."

The Assembly reply;

The established rule of the Presbyterian Church in relation to the dismission of a minister from his Presbytery is "that in all ordinary cases all the rights and privileges of an individual in a Presbytery cease when at his request his dismission is granted."

He may, however, within any reasonable time before he has used his letter of dismission, return it to the Presbytery, and then claim all his former rights and privileges; but until he has used his letter he is amenable to the Presbytery which has dismissed him.

[See Digest, New, chap. ii., sec. viii.]

Your Committee have not been able to find any specific rule in our Form of Government or in the Digest in relation to the dismission of ruling elders or of private members from any particular church, indicating the precise time when their rights and privileges in that church from which, at their own request, they may be dismissed cease; but we have no hesitation in declaring our belief that the same guardian care which is extended over dismissed members is, by the very genius and intent of our excellent Form of Government, designed also for the protection of regularly dismissed elders and private members, as well as for the preservation of the peace and purity of the Church.

We therefore respectfully recommend to this Assembly the adoption of the following resolutions: That,

1. The dismission of a ruling elder by letter from a church terminates his official relations with that church.

2. A letter of dismission, whether issued to a ruling elder or private member, terminates the relations of the person dismissed with the church giving the letter, except so far as said church is responsible for its watch and care over him during the period of transition.

3. These rights and privileges can be regained in that church by returning the letters of dismission to the authority which gave them.

4. These rights and privileges can be secured in any other church within the jurisdiction of this General Assembly, by virtue of such certificates, provided they are presented to the session thereof within one year from their date; and until they are presented such persons are amenable to the church from which the certificates were received.—1867, p. 512, N. S.

[The "Rights and Privileges" referred to in sec. iv. are those of membership only. An elder can exercise his office only by virtue of an election.]

8. The Return of a Letter Unused Restores to Official Position.

The Committee on Polity reported the following case and question:

Mr. C., an acting elder of the church of C., having taken a certificate of dismission, and having retained it about three years, returned it to the session of the church of C., giving satisfactory reasons for not using it, and was restored to the membership of the church. Does the receiving again by the session reinstate Mr. C. as an acting elder of the church of C.?

The Committee recommended that the answer be in the affirmative.

The report was adopted.—1868, p. 58, N. S.

CHAPTER XIV.

OF LICENSING CANDIDATES OR PROBATIONERS TO PREACH THE GOSPEL.

I. The Holy Scriptures require that some trial be previously had of those who are to be ordained to the ministry of the gospel, that this sacred office may not be degraded by being committed to weak or unworthy men; and that the churches may have an opportunity to form a better judgment respecting the talents of those by whom they are to be instructed and governed. For this purpose Presbyteries shall license probationers to preach the gospel, that after a competent trial of their talents, and receiving from the churches a good report, they may in due time ordain them to the sacred office.

1. Preaching without Licensure Condemned as Irregular.

a. Upon information that David Evan, a lay person, had taken upon him publicly to teach or preach among the Welsh in the Great Valley, Chester county, it was unanimously agreed that the said Evan had done very ill and acted irregularly in thus invading the work of the ministry, and was thereupon censured.

Agreed that the most proper method for advancing David Evan in necessary literature to prepare him for the work of the ministry is that he lay aside all other business for a twelvemonth, and apply himself

closely to learning and study under the direction of Mr. Andrews, and with the assistance of Mr. Wilson and Anderson, and that it be left to the discretion of the said ministers when to put said Evan on trials, and license him publicly to teach or preach.—1710, p. 17.

b. The Assembly disapproves the conduct of Mr. McCalla in preaching the gospel before he was regularly licensed.—1821, p. 21.

2. On the Licensing and Ordaining of Women to Preach the Gospel.

a. Overture No. 39, from the Presbytery of Brooklyn, requesting the Assembly to adopt and transmit to the Presbyteries for their approval such rules as shall forbid the licensing and ordaining of women to the gospel ministry, and the teaching and preaching of women in our pulpits, or in the public and promiscuous meetings of the Church of Christ.

The Committee recommend this answer: That there is no necessity for a change in the Constitution of the Church touching this question; and the memorialists are referred to the deliverance of the Assembly of 1832, which expresses the judgment of this Assembly.

Adopted.—1872, p. 89.

b. [The deliverance referred to is as follows, viz.:]

Meetings of pious women by themselves for conversation and prayer, whenever they can conveniently be held, we entirely approve. But let not the inspired prohibitions of the great apostle of the Gentiles, as found in his Epistles to the Corinthians and to Timothy, be violated. To teach and exhort or to lead in prayer, in public and promiscuous assemblies, is clearly forbidden to women in the holy oracles.—Pastoral Letter, 1832, p. 378.

[See under chap. xii., sec. v., Letter No. 11.]

3. Education for the Ministry.

[For a full history of the early efforts of the Presbyterian Church to enlarge her ministry by aiding pious youth needing assistance, see Baird's Digest, Revised Edition, pp. 388–399.] In 1819 the Assembly resolved to establish a General Board of Education.—Minutes, 1819, p. 712, viz.:

a. The Board of Education Established.

The Committee appointed to draught a Constitution for establishing a General Board of Education, agreeably to the resolutions adopted by the Assembly on the subject, reported one, which being read and amended, was adopted, and is as follows, viz.:

I. There shall be a General Board of Education, known by the name of *The Board of Education*, under the care of the General Assembly of the Presbyterian Church in the United States of America.

II. The Board shall consist of thirty-six members, of whom there shall be twenty ministers and sixteen elders, one minister and one elder to be chosen from each Synod, and the remainder from Philadelphia and from a distance convenient to it. Seven members, including the President or Vice President, shall be a quorum to transact business.

III. The whole number of members shall be divided into four classes, one-fourth to be annually elected.

IV. The election of the members of the Board shall be made by nomination and ballot by the General Assembly.

V. The officers shall be a President, three Vice Presidents, a Recording

and a Corresponding Secretary, and a Treasurer, to be annually elected by the Board.

VI. The objects of this Board shall be—

1. To recognize such Presbyteries and other associations as may form themselves into education societies, as auxiliary to the General Board.

2. To assist such Presbyteries and associations in educating pious youth for the gospel ministry, both in their academical and theological course.

3. To assign according to their best discretion to the several auxiliary societies a just proportion of the whole disposable funds under their control.

4. To concert and execute such measures as they shall judge to be proper for increasing their funds and promoting the general object.

VII. No young man shall be patronized or assisted by any auxiliary society unless he shall produce a testimonial of his hopeful piety and talents from some Presbytery under whose care he shall have been taken.

VIII. Auxiliary societies may make such arrangements and selection of a seminary for the young men under their patronage as in their opinion shall be most eligible for the prosecuting of their education, whether classical or theological.

IX. The auxiliary societies shall send to the Board all the surplus funds in their hands which shall not be necessary for the accommodation of those immediately depending on them for support.

X. Every auxiliary society shall annually forward a report of their proceedings to the Board, sufficiently early to enable the Board, whose duty it shall be, to report to the General Assembly.

XI. The Board shall have power to make such by-laws to regulate their own proceedings and effectually to accomplish the great objects of their appointment as shall not be inconsistent with this Constitution.

XII. The Board may propose to the General Assembly from time to time such plans as they may consider useful and necessary for the success of this institution, to be recommended to the several societies or churches as the Assembly may think proper.

XIII. No addition or amendment to the provisions of this Constitution shall be made unless by the consent of two-thirds of the members of the General Assembly present at any of their sessions, of which notice shall be given at least one day previous.—1819, p. 714.

[With such amendments as experience showed to be necessary, the above plan was used by the O. S. branch of the Church from 1838 to the Reunion.]

In 1841 was obtained the following:

b. CHARTER OF THE BOARD OF EDUCATION.

To all to whom these Presents shall come:

Know ye, That whereas the General Assembly of the Presbyterian Church in the United States of America have a Board of Education, composed of ministers and laymen, members of the Presbyterian Church, the design of which is to afford aid to poor and pious young men of good talents to procure a liberal education, as preparatory for the gospel ministry in the Presbyterian Church; and whereas, the aforesaid Board of Education labors under serious disadvantages as to receiving donations and bequests, and as to the management of funds entrusted to them for the purpose designated in their Constitution, and in accordance with the benevolent intentions of those from whom such bequests and donations are received;

Therefore, Matthew L. Bevan, Stephen Colwell, Joseph B. Mitchell, Joel Jones, Alexander W. Mitchell, John McDowell, Francis McFarland, Henry A. Boardman and Thomas L. Janeway, citizens of the United States and of the Commonwealth of Pennsylvania, and their successors, are hereby constituted and declared to be a body politic and corporate, which shall henceforth be known by the name of "The Trustees

of the Board of Education of the Presbyterian Church in the United States of America," and as such shall have perpetual succession, and be able to sue and be sued in all courts of record and elsewhere; and to purchase and receive, take and hold, to them and their successors for ever, lands, tenements, hereditaments, money, goods and chattels, and all kinds of estate which may be demised, bequeathed or given to them, and the same to sell, alien, demise and convey; also to make a common seal, and the same to alter and renew at their pleasure; and also to make such rules, by-laws and ordinances as may be needful for the government of the said corporation, and not inconsistent with the constitution and laws of the United States and of this State; Provided always, that the clear yearly value of the real and personal estate held by the said corporation shall not at any time exceed the sum of two thousand dollars.

The trustees above named shall hold their offices for one year from the date of this incorporation and until their successors are duly qualified to take their places, who shall be chosen by the aforesaid Board of Education at such times and in such way and manner as shall be provided by the said General Assembly of the Presbyterian Church of America; Provided, that not more than one-third of the trustees shall be removed in any one year.

The trustees hereby incorporated and their successors shall, subject to the direction of the said Board of Education, have full power to manage the funds and property committed to their care in such manner as shall be deemed most advantageous, not being contrary to law.

Pennsylvania, ss. *Secretary's office.*

Enrolled in Charter Book No. 6, pages 442, 443 and 444, containing a record of acts incorporating sundry religious, literary and other charitable institutions.

Witness my hand and the seal of the said office at Harrisburg, this 18th day of February, A. D. 1841. (Signed) FRANCIS R. SHUNK,
Secretary of Commonwealth.

AMENDMENT TO THE CHARTER.

2. That the Trustees of the Board of Education of the Presbyterian Church in the United States of America be and they are hereby authorized and empowered to take, receive and hold to them and their successors for ever, lands, tenements, hereditaments, moneys, goods and chattels, and all kinds of estate which may be devised, bequeathed or given to them for the purpose of aiding schools, academies and colleges or the cause of education generally; Provided, that the clear yearly value of the real and personal estate held by the said corporation shall not at any time exceed the sum of five thousand dollars.

Approved the tenth day of April, A. D. one thousand eight hundred and fifty-two, as the same remains on file in this office.

In testimony whereof I have hereunto set my hand and caused the seal of the Secretary's office to be affixed at Harrisburg, the second day of August, A. D. one thousand eight hundred and fifty-two. E. S. GOODRICH,

[SEAL.] Deputy Secretary of the Commonwealth.

c. The Permanent Committee of Education Established.

From 1838 to 1854 the N. S. branch co-operated chiefly with the American Education Society or its branches. In 1854 the "Permanent Committee of Education for the Ministry" was established.—Minutes, 1854, pp. 506, 507. By the Assembly of 1856 the plan was more fully matured.—pp. 222–224. See also 1857, pp. 388–392. A charter obtained from the Legislature of New York April 17, 1858, was accepted and approved by the Assembly.—1858, pp. 597, 598. The charter is as follows, viz.:

d. THE CHARTER.

An Act to incorporate the Permanent Committee on Education for the Ministry of the General Assembly of the Presbyterian Church in the United States of America.

The people of the State of New York, as represented in Senate and Assembly, do enact as follows:

SEC. 1. John J. Owen, Asa D. Smith, George L. Prentiss, William A. Booth, Joseph B. Sheffield, Jesse W. Benedict, Walter S. Griffith, Anson G. Phelps, William Hogarth, Jonathan F. Stearns, Henry Smith, Harvey Curtis, John Jenkins, William Darling and William Jessup (designated for the purpose by the General Assembly of

the Presbyterian Church, which met in Cleveland, Ohio, in May, eighteen hundred and fifty-seven), and their successors in office, are hereby constituted a body corporate and politic, by the name of "The Permanent Committee on Education for the Ministry of the General Assembly of the Presbyterian Church in the United States of America," whose duty it shall be to superintend the whole cause of education in behalf of the said General Assembly, as said General Assembly may from time to time direct; also to receive, take charge of and disburse any property or funds which, at any time and from time to time, may be entrusted to said General Assembly or said Permanent Committee for educational purposes.

SEC. 2. The said corporation shall possess the general powers and be subject to the provisions contained in title three of chapter eighteen of the first part of the revised statutes, so far as the same are applicable, and have not been repealed or modified.

SEC. 3. The management and disposition of the affairs and funds of said corporation shall be vested in the individuals named in the first section of this act, and their successors in office, who shall remain in office for such period, and be displaced and succeeded by others, to be elected at such time and in such manner as the said General Assembly shall direct and appoint.

SEC. 4. The said corporation shall in law be capable of taking, receiving and holding any real or personal estate which has been or may hereafter be given, devised or bequeathed to it or to said General Assembly for the purposes aforesaid, or which may accrue from the use of the same; but the said corporation shall not take and hold real and personal estate above the sum of two hundred thousand dollars.

SEC. 5. This act shall take effect immediately.

Passed April 17, 1858.

For a full history of the acts of the Assembly, N. S., on the subject see New Digest, pp. 410–423. For the plan which was adopted by the Assembly in 1861 see 1861, pp. 475–477; 1862, p. 249; 1864, p. 471.

4. The Board of Education of the Reunited Church.

The Joint Committee appointed by the General Assembly of the Presbyterian Church to adjust the affairs of the "Board of Education," and of the "Permanent Committee on Education," so as to adapt them to the new condition of things in the now united Church, met, according to the call of the chairman of the respective Committees, in the rooms of the Board of Education in Philadelphia, February 9th, and also again at an adjourned meeting May 18th, and after mature consideration they have agreed upon and recommend the following Constitution for adoption by the General Assembly:

a. CONSTITUTION OF THE BOARD OF EDUCATION.

ARTICLE I.

Title. There shall be a Board of Education under the corporate title of "The Board of Education of the Presbyterian Church in the United States of America."

ARTICLE II.

Objects. The Board of Education shall be the organ of the General Assembly of the Church for the general superintendence of the Church's work in furnishing a pious, educated and efficient ministry, in sufficient numbers to meet the calls of its congregations, to supply the wants of the destitute classes and regions in our own country, and to go into all the world and preach the gospel to every creature. It shall provide for the collection and judicious distribution of the funds which may be requisite in the proper education of candidates for the ministry under its care, and it shall, in co-operation with the ecclesiastical courts, do whatever may be proper and necessary to develop an active interest in education throughout the Church.

Article III.

Members. The General Assembly shall elect the members of the Board. The Board shall consist of twelve members (besides those who shall be members *ex officio*), of whom six shall be ministers and six laymen of the Presbyterian Church. The members shall be divided into three equal classes, consisting of two ministers and two laymen each, to serve respectively for the terms of one, two and three years. At any meeting of the Board, regularly convened, five members shall constitute a quorum to transact business. The Board shall also have power to fill any vacancy by resignation, death or otherwise until the next meeting of the General Assembly.

Article IV.

Officers. Sec. 1. The Board shall elect its officers annually by ballot. They shall consist of a President, Vice President, Corresponding Secretary and Treasurer. The corresponding secretary and treasurer shall be *ex officio* members of the Board. All other officers must be members of the Board at the time of their election. The Board shall have power, at any of its regular meetings, to fill vacancies which may have occurred in any of the above offices by death, resignation or otherwise, when due notice of such election shall be given.

Sec. 2. The Corresponding Secretary shall be the executive officer of the Board. He shall take charge of the office, conduct the correspondence and superintend the publications of the Board, prepare the regular business for its meetings, and always be considered as its official organ. He shall, as far as he can, visit the Synods and Presbyteries, for the purpose of awakening their interest and concentrating their energies in this work, visit the students aided by the Board, and exercise a general supervision over them, employ the means necessary to bring to the attention of young men the claims and ends of the ministry, and discharge such other duties as may be assigned to him from time to time by the Board, in furtherance of the general object of education for the ministry. He shall also have authority to employ such assistance as in the judgment of the Board may be deemed necessary.

Sec. 3. The Treasurer shall have charge of all the funds of the Board, and shall disburse the same under its direction. He shall keep a complete register of the students under the care of the Board, and an account with them individually. He shall give bonds for the proper discharge of his duties.

Article V.

Functions. Sec. 1. The Board shall act through the Presbyteries of the Church. Candidates for the ministry, when properly examined and received by the Presbyteries and recommended for aid to the Board, shall receive the amount specified, within the limits prescribed by the Assembly, provided in all cases that a discretionary power, necessary to the general trust committed, shall be exercised by the Board, and the Board shall require that each recommendation shall be accompanied with such information as may be necessary to the intelligent and judicious performance of its duties.

Sec. 2. It shall exercise a general supervisory care over the students, through annual renewals of recommendations from Presbyteries and quarterly reports from instructors, through the correspondence of its secretary and his personal visits to literary and theological institutions and the judicatories of the Church, and by other appropriate instrumentalities.

Sec. 3. It shall take all suitable means to inform the Church as to the duties and interests relating to the consecration of her young men to the office of the ministry and their sound and thorough education, and to urge the effective care of her judicatories over them, and it shall make such statements and appeals as are calculated to secure contributions sufficient for the accomplishment of its ends. It shall make a full annual report of its work to the General Assembly.

Article VI.

Relation of the Presbyteries to the Board. It shall be the duty of each Presbytery to see that collections are taken up annually for this cause in all the churches under its care; to make the increase of candidates for the ministry a topic of serious consideration in its meetings, at least once a year; to appoint a standing committee to act for the Presbytery in all matters pertaining to this cause when it is not in session; to recommend to the Board proper cases for its aid, and to make an annual report of the transactions of the Presbytery on the whole subject to the Board, previous to the meeting of the General Assembly.

Article VII.

Duties of Synods. It shall be the duty of the Synods to call up this subject annually, to inquire what the Presbyteries and churches under their care are doing in relation to it, and to adopt such measures as shall promote the interests of this department of Christian work.

Article VIII.

By-Laws. The Board shall have power to make for itself all necessary by-laws, not inconsistent with this Constitution, subject to the approval of the General Assembly.

The Joint Committee present also for the consideration of the General Assembly the following resolutions:

1. That the secretary shall have the privilege of a corresponding member of the General Assembly in the discussion of all matters pertaining to the work of education.

2. That the Board of Education shall be located in the city of Philadelphia, Pa.

3. It is recommended to the General Assembly to instruct the Board of Education to take such legal steps as are necessary to secure to it the present property of the Board of Education located at Philadelphia, and of the Permanent Committee located at New York, so that this property, and any funds with which either is or may be entrusted, or which may hereafter be received by bequest or otherwise for purposes of ministerial education, shall be managed by one and the same Board and its successors, as trustees thereof, and that said Board have authority to apply for and obtain a charter of incorporation or such modification of the existing charter as they may deem proper. It is further recommended that the organizations of the "Permanent Committee on Education" and the "Board of Education" be continued, so far as may be necessary for the purpose of holding and transferring to the Board of Education, as arranged by the present General Assembly, such funds and trusts as may have been or shall be committed to them.

Adopted.—1870, pp. 81–84.

b. ACT OF INCORPORATION OF THE BOARD OF EDUCATION.

LEGISLATURE OF PENNSYLVANIA.

An Act to incorporate The Board of Education of the Presbyterian Church in the United States of America, and to make them the successors of The Trustees of the Board of Education of the Presbyterian Church of the United States of America, and of The Permanent Committee on Education for the Ministry, of the General Assembly of the Presbyterian Church in the United States of America.

Whereas, The two religious bodies heretofore existing, each under the name of the General Assembly of the Presbyterian Church in the United States of America, have united the congregations under their care, and the General Assembly of the Church thus united, which met in Philadelphia on the nineteenth day of May, Anno Domini one thousand eight hundred and seventy, and which is the legal successor of both the former bodies, has directed that the work of assisting pious young men in their education for the ministry of the said Church shall be hereafter carried on under its direction by one Board, the location of which has been fixed in the city of Philadelphia; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by authority of the same*, That Herrick Johnson, Elias R. Beadle, Thomas J. Shepherd, Benjamin L. Agnew, Peter Stryker, Alexander Reed, Morris Patterson, Samuel Field, Benjamin B. Comegys, Henry D. Gregory, Benjamin Kendall and James F. Gayley, who were elected at the said meeting of the said General Assembly in May, Anno Domini one thousand eight hundred and seventy, as The Board of Education of the said Church, and their successors, are hereby constituted and declared to be a body politic and corporate, which shall henceforth be known by the name of The Board of Education of the Presbyterian Church in the United States of America, and as such shall have perpetual succession, and be able to sue and be sued in all the courts of record and elsewhere, and to purchase and receive, take and hold, to them and their successors for ever, lands, tenements, hereditaments, money, goods and chattels and all kinds of estates which may be devised, bequeathed, conveyed or given to them, and the same to sell, alien, demise and convey; and also to make a common seal and the same to alter and renew at their pleasure; and also to make such rules, by-laws and ordinances as may be needful for the government of the said corporation, and not inconsistent with the Constitution and laws of the United States and of this State; *Provided always*, That the clear yearly value of the real and personal estate held by the said corporation shall not at any time exceed the sum of twenty thousand dollars.

SECTION 2. The corporators above named shall hold their office until their successors are duly qualified to take their places, who shall be chosen by the said The General Assembly of the Presbyterian Church in the United States of America, at such time and in such a manner as it shall direct; *Provided* not more than one-third of the said Board shall be removed in any one year.

SECTION 3. The Board hereby incorporated and their successors shall, subject to the direction of the said General Assembly of the Presbyterian Church in the United States of America, have full power to manage the funds and property committed to their care in such manner as shall be deemed most advantageous, not being contrary to law.

SECTION 4. That the Trustees of the Board of Education of the Presbyterian Church in the United States of America, heretofore incorporated under the laws of this Commonwealth, are hereby authorized to assign, transfer and convey unto the corporation established by this act all the property, estates and rights of any and every description now held or enjoyed, or which may hereafter be held or enjoyed by them, by virtue of any grant, gift, bequest or devise, and the said The Board of Education of the Presbyterian Church in the United States of America hereby established shall be and become the full legal successor of all the corporate rights, franchises and privileges now belonging to the said The Trustees of the Board of Education of the Presbyterian Church in the United States of America, and shall and may hold, use and enjoy all the property, estates and rights assigned, transferred or conveyed, so as aforesaid, in the same manner and to the same extent, but subject to the same limitations and trusts, as the said The Trustees of the Board of Education of the Presbyterian Church in the United States of America might have done, and shall be entitled to receive, sue for and recover all legacies or devises which have heretofore been or may hereafter be made to the said The Trustees of the Board of Education of the Presbyterian Church in the United States of America.

SECTION 5. That in case the requisite power shall be given by the proper authority of the State of New York to the said The Permanent Committee on Education for the Ministry of the General Assembly of the Presbyterian Church in the United States of America, a corporation established by the Legislature of the said State of New York, to assign, transfer and convey unto the corporation established by this act all the property, estates and rights, of any and every description, now held or enjoyed, or which may hereafter be held or enjoyed, by them, by virtue of any grant, gift or bequest or devise, and in case the said proper authority of the State of New York shall also give full power to the corporation hereby established, thereupon to be and become the legal successors of all corporate rights, franchises and privileges now belonging to the said The Permanent Committee on Education for the Ministry of the General Assembly of the Presbyterian Church in the United States of America to all intents and purposes, the said corporation hereby established is authorized to accept and receive the assignment, transfer and conveyance made as aforesaid, and upon such assignment, transfer or conveyance being made, and also upon the granting of power by the proper authority of the State of New York to the corporation hereby established to become the full legal successors as aforesaid of the said The Permanent Committee on Education for the Ministry of the General Assembly of the Presbyterian Church in the United States of America, the Board of Education of the Presbyterian Church in the United States of America hereby established shall be and become the full legal successors of all the corporate rights, franchises and privileges now belonging to said The Permanent Committee on Education for the Ministry of the General Assembly of the Presbyterian Church in the United States of America, and may and shall hold, use and enjoy all the property, estates and rights assigned, transferred or conveyed so as aforesaid in the same manner and to the same extent, but subject to the same limitations and trusts, as the said The Permanent Committee on Education for the Ministry of the General Assembly of the Presbyterian Church in the United States of America might have done, and shall be entitled to receive, sue for and recover all legacies and devises which have heretofore been or may hereafter be made to the said The Permanent Committee on Education for the Ministry of the Presbyterian Church in the United States of America.

JAMES H. WEBB,
Speaker of the House of Representatives.
WILLIAM H. WALLACE,
Speaker of the Senate.

Approved the twelfth day of May, one thousand eight hundred and seventy-one.

JOHN W. GEARY, *Governor.*

c. ACT AUTHORIZING THE TRANSFER OF PROPERTY OF THE PERMANENT COMMITTEE ON EDUCATION TO THE BOARD OF EDUCATION.

LEGISLATURE OF NEW YORK.

An Act to enable "The Permanent Committee on Education for the Ministry of the General Assembly of the Presbyterian Church in the United States of America," to transfer its property to the new Board created by the General Assembly, when the same shall have been incorporated, and to vest in such new incorporation the rights, franchises and privileges of the former body.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The said "Permanent Committee on Education for the Ministry of the General Assembly in the United States of America," are hereby authorized and empowered to assign, transfer and convey to the said The Board of Education of the Presbyterian Church in the United States of America, whenever the same shall have become duly incorporated, all the property, estates and rights of any and every description now held or enjoyed, or which may hereafter be held or enjoyed, by them, by virtue of any grant, gift, bequest or devise, and the said The Board of Education of the Presbyterian Church in the United States of America, whenever the same shall have become duly incorporated as aforesaid, shall thereupon be and become the full legal successors of all the corporate rights, franchises and privileges now belonging to the said "The Permanent Committee on Education for the Ministry of the General Assembly of the Presbyterian Church in the United States of America."

SECTION 2. This Act shall take effect whenever the several persons elected at the

meeting of the General Assembly of the Presbyterian Church, in May, eighteen hundred and seventy, as the Board of Education, shall have been duly incorporated.

Approved the twentieth day of April, Anno Domini one thousand eight hundred and seventy-one.

JOHN T. HOFFMAN, *Governor.*

d. RULES OF THE BOARD OF EDUCATION RELATING TO CANDIDATES FOR THE MINISTRY.

I. Dependence of the Board of Education upon the Presbyteries of the Church.

1. The Board of Education shall only receive and aid candidates for the ministry of the gospel upon the recommendation of a Presbytery of the Church; and the Presbytery is responsible for their examination, subsequent care, and the designation of the annual amount of aid to be granted to them, within the limits set by the General Assembly.

2. The Board will in each case look specially to the Education Committee of the Presbytery for the notification of the recommendation of a candidate for aid, and for the information required for favorable action upon it; and is to regard that Committee as the particular agency of the Presbytery for the pastoral care of those who are preparing for the ministry until their entrance upon its duties.

3. As a general rule, the Board will receive any young man of whose examination and recommendation in conformity with its requirements proper notification has been given, but it may exercise discretionary power to refuse to receive new candidates beyond its ability to support them.

II. Reception of Candidates.

1. The encouragement of a young man to undertake the office of the ministry is a matter of most serious concern to himself, the Church and many immortal souls, which should only be ventured upon by those who have sufficient knowledge of his religious and mental character and capabilities, with much counsel and prayer, and out of a single anxious desire for the glory of God. He should enter the Presbytery to which he would naturally belong; and the application for his reception ought usually to be made by his pastor or a member of the Presbyterial Committee on Education.

2. The Presbytery, in examining students with a view to their recommendation for aid, must embrace such points as are indicated by the following questions, to which definite answers by the direction of the Assembly will invariably be required by the Board: What is the candidate's name? age? residence? Is the Presbytery satisfied as to his experimental piety? As to his motives for seeking the ministry? As to his talents? As to his health? As to his promise of practical efficiency? Is he free from expensive and injurious habits? What is the lowest amount of pecuniary aid required to supplement his really necessary expenses till the end of the present collegiate year? Of what congregation is he a member? How long has he been in the communion of the Church? What is his stage of study? Where engaged at present? Give the name of a responsible person (usually a member of the faculty of the institution or his pastor) through whom the appropriations can be sent.

3. No candidate shall be received by the Board who has not been a member of the Presbyterian Church or some closely related body for at least one year, who has not been recommended to the Presbytery by the

session of the church of which he is a member, and who is not sufficiently advanced in study to enter college, except in extraordinary cases.

III. Appropriations.

1. The annual appropriations to candidates shall not in ordinary circumstances exceed $150 to theological or $120 to collegiate students, and not more than $100 to extraordinary cases in the preparatory course.

2. These appropriations shall only be paid to a student on the reception of particular and satisfactory reports from his professors, embracing the following points: Do you know of anything in him inconsistent with a high Christian character? What is his standing as to scholarship—high, medium or low? (Add if possible his grade.) Is he free from expensive and injurious habits? Are you so satisfied with his promise of future usefulness that you can consistently recommend him for aid?

3. The Board may increase or diminish, in a general ratio, the appropriations, in case of unusual surplus or deficiency of funds.

4. In order to suit the period when the students most need assistance, and when the reports from professors can be most satisfactorily made, the reports shall ordinarily be made on the first days of November, January, March and May. The appropriation of a student whose recommendation is made at any time between those days may be expected to commence with the date of it.

5. The Board will in no case be responsible for debts of students, but it is expected of them that its appropriations shall be first applied to the payment of tuition and boarding.

6. The appropriations to candidates shall cease regularly at the close of the collegiate year or earlier; and they shall not be made in case of prolonged ill health which may unfit them for the work of the ministry; when they are manifestly improvident, or contract debts without reasonable prospect of payment; when they marry; when they receive assistance from any other educational board or society; or when from private circumstances they cease to need aid.

7. The sums of money appropriated by the Board shall be refunded to it with interest in case a student fail to enter on or continue in the work of the ministry, unless he can make it appear that he is providentially prevented; if he cease to adhere to the standards of the Presbyterian Church; if he change his place of study contrary to the directions of his Presbytery, or continue to prosecute his studies at an institution not approved by it or by the Board; or withdraw his connection from the Church of which this Board is the organ without furnishing a satisfactory reason.

8. The pecuniary assistance afforded by the Presbyterian Church, through her Board of Education, is not to be given or regarded as a loan to be refunded by those who comply with these rules and regularly enter the ministry, but as her cheerful contribution to facilitate and expedite their preparation for it; and they are only obligated by it to warmer interest in her efforts for the advancement of the Redeemer's kingdom, and especially to the use of the means necessary to instruct and stimulate her members in the duty of multiplying and sending forth preachers of the gospel of salvation to all the world.

IV. Care of Candidates.

1. Every student is required, except in unusual circumstances, and with the explicit permission of his Presbytery, to pursue a thorough course of study, preparatory to that of theology, and when prepared to pursue a

three years' course of theological studies in a seminary connected with the Presbyterian Church; and no work of preaching is to be allowed to interfere with the diligent and faithful prosecution of their prescribed studies until their close.

2. The Board can only rely upon the Education Committee of each Presbytery for the regular care of its own candidates, which should consist in the constant exercise of a parental oversight over them in spiritual things, and for the bestowment of the counsel they need, as to their mode of preparation, their places of study, their trials and the occupation of their time, while not engaged in study, in employments which shall tend to qualify them for effective usefulness as pastors or evangelists.

3. The Board shall assist the Presbytery in its care of candidates, by furnishing annually to the Education Committee information from the Professor's reports as to the standing of each student; and the Corresponding Secretary shall exercise a general supervisory care over them, and visit and address them, when practicable, at the institutions of learning, in regard to their duties and the claims of the office which they have in view.

4. The recommendation of each candidate must be annually renewed by his Presbytery, if possible, at the fall meeting, in connection with one from the session of the church of which he is a member, and a specification must be made of the amount needed by him, and until the ratification of these has been received a student will not be considered as upon the roll for the year.

5. Recommendations or renewals of them made by an Education Committee in the interim of the sessions of a Presbytery shall be received as sufficient, provided its action is reported to the Presbytery at its next session, and not countermanded to the Board.

6. If at any time there be discovered in a student such defect in capacity, diligence, and especially in piety, as would render his introduction into the ministry a doubtful measure, it shall be considered the sacred duty of the Presbytery to cease to recommend him, and that of the Board to withdraw its appropriations.

7. Special care should be exercised by the Presbytery in the examination of students who are about to enter upon the theological course, according to the instructions of the Form of Government, chap. xiv., sec. iii. This should be conducted by the Presbytery, and be entirely satisfactory as to their "real piety," and "the motives which influence them to desire the sacred office," before they are allowed to take this final step toward assuming its great responsibilities.

8. The periodical publications of this Board and a copy of the Confession of Faith shall be sent gratis to all students under its care.

V. Particular Duties of Candidates.

1. Inasmuch as the great aim of the Church, in the establishment of its Board of Education, is the increase of holy and faithful preachers of the gospel, the young brethren who look to this work are earnestly and affectionately reminded that all intellectual acquisitions are of little value without the cultivation of piety, and that they are expected and required to pay special attention to the practical duties of religion, such as reading the Scriptures; secret prayer and meditation; occasional acts of special consecration of themselves to Christ and to his service as their Redeemer and as the Lord of all; attendance on regular meetings on the Sabbath and during the week; endeavors to promote the salvation of others; and the exhibition at all times of a pious and consistent example.

2. As the appropriations of the Board necessarily fall short of the entire wants of the students, so the friends of each, and the student himself, will be expected to make all proper exertions in assisting to defray the expenses of his education.

3. When a student shall find it necessary to relinquish study for a time in order to increase his means of support, by teaching or otherwise, he shall first obtain the consent of the Education Committee of the Presbytery or of the Board; and if, when given, he shall not be absent from study more than three months, his appropriations will be continued; but if longer, they will be discontinued or continued in part, according to circumstances.

4. It shall be the duty of each candidate connected with the Board to report himself, soon after the meeting of the General Assembly, to the Education Committee of his Presbytery, as to his progress, wants and prospects; and where any of the requisitions of the Board which affect him may not be carried out by teachers or others, it becomes his duty to see that they are attended to, that delays and losses to himself may be prevented.

5. The reception of an appropriation by a student shall be considered as expressing a promise to comply with all the rules and regulations of the Board.

II. Every candidate for licensure shall be taken on trials by that Presbytery to which he most naturally belongs, and he shall be considered as most naturally belonging to that Presbytery within the bounds of which he has ordinarily resided. But in case any candidate should find it more convenient to put himself under the care of a Presbytery at a distance from that to which he most naturally belongs, he may be received by the said Presbytery on his producing testimonials, either from the Presbytery within the bounds of which he has commonly resided, or from any two ministers of that Presbytery in good standing, of his exemplary piety and other requisite qualifications.

1. The Usage in the Olden Time.

In answer to the third query, the Synod judge that any student in divinity who professes a design to enter into the ministry has a right in our present situation to study for his improvement under the direction of any divine of reputation in the Synod, according to a former act; but that when he proposes to enter upon trials with a view to the ministry, he shall come under the care of that Presbytery to which he most naturally belongs, and he shall be deemed most naturally to belong to that Presbytery in whose bounds he has been brought up and lived for the most part, and where he is best known. But if another Presbytery desire that any student or students should come into their bounds, or if any such student or students, for greater conveniency, or from any circumstances that make it necessary, desire to enter upon trials in a different Presbytery, upon his offering satisfactory reasons he may be dismissed; but in either case the Presbytery to which he removes shall not receive nor admit him to come under trials upon his having a certificate as a regular church member only, but he shall bring a testimonial from the Presbytery or several neighboring ministers where he lived, recommending him as a candidate for the ministry

of exemplary piety and holiness of conversation, nor shall anything less be esteemed a sufficient recommendation.—1764, p. 337.

2. Licensure by Bodies other than those within whose Bounds the Candidate expects to Labor Disapproved.

Though the Synod entertains a high regard for the associated churches of New England, yet we cannot but judge that students who go to them or to any other than our own Presbyteries to obtain license in order to return and officiate among us act very irregularly, and are not to be approved or employed by our Presbyteries, as hereby we are deprived of the right of trying and approving the qualifications of our own candidates; yet if any case may happen wherein such conduct may in some circumstances be thought necessary for the greater good of any congregation, it shall be laid before the Presbytery to which the congregation belongs and approved of by them.—1764, p. 338.

[For action condemning the licensing of a candidate of one Presbytery by another without regular dismission, see chap. x., sec. viii.]

3. Candidates should be Placed under the Care of Presbytery.

a. It is recommended to the agencies and committees to endeavor to have the young men aided by the Church, especially in their theological studies, placed under the care of Presbyteries, and that in all ordinary cases they be licensed by those Presbyteries to which they naturally belong.—1854, p. 507, N. S.

b. It is recommended that the young men aided by the Assembly's Committee be ordinarily placed, as soon as possible, under the care of Presbyteries, and that in all ordinary cases they be licensed, if convenient, by the Presbyteries to which they naturally belong.—1856, p. 224, N. S.

c. Resolved, That candidates should be required to put themselves under the care of Presbytery as soon as possible, and receive careful supervision during their entire course, and that whatever arrangements the Presbyteries may deem expedient to facilitate their training, these arrangements should not be such as will tend to shorten the full term of study or induce an absence from their classes at either the opening or closing of the seminary sessions.—1857, p. 31, O. S.

See also 1864, p. 315, O. S.

4. Careful Supervision to be Exercised in Receiving Candidates and over their Studies.

Resolved, That this Assembly renew the resolution of the Assembly of last year (minutes, p. 524), and "earnestly urge all our Presbyteries and Committees *ad interim* to guard with a becoming caution and a firm vigilance the door to the holy office of the ministry, so as not to admit to that sacred calling men wanting in mental and moral qualifications for its high and holy functions." And furthermore, as a means of excluding improper persons, that this Assembly enjoins upon every Presbytery which has not so done to appoint a Committee, whose duty it shall be to make careful inquiry as to the conduct and progress in study of all the candidates under its care, and to make report to their Presbytery at every stated meeting, or oftener if presbyterial action is needed.—1860, p. 25, O. S.

5. No Candidate to be Received by the Board until he has been a Church Member one year and pursued Classical Studies for one year.

That it be recommended that the Board of Education hereafter receive no candidate for the ministry until he has been a member of the Church at least one year, and has also passed his classical studies for an academic year, except in extraordinary cases to be determined by the Board.

That increased care be enjoined upon the Presbyteries in bringing forward or recommending candidates for the sacred ministry.—1872, p. 19.

6. Candidates must Connect Themselves with the Presbytery to which they Naturally Belong.

That the candidates of the Board be required to connect themselves with the Presbyteries to which they naturally belong, unless for extraordinary reasons, of which the Presbyteries must be the judge.—1872, p. 19.

III. It is proper and requisite that candidates applying to the Presbytery to be licensed to preach the gospel produce satisfactory testimonials of their good moral character and of their being regular members of some particular church. And it is the duty of the Presbytery, for their satisfaction with regard to the real piety of such candidates, to examine them respecting their experimental acquaintance with religion and the motives which influence them to desire the sacred office. This examination shall be close and particular, and in most cases may best be conducted in the presence of the Presbytery only. And it is recommended that the candidate be also required to produce a diploma of bachelor or master of arts from some college or university, or, at least, authentic testimonials of his having gone through a regular course of learning.

1. A Liberal Education Required.

a. Through the Committee of Overtures it was requested by the first Presbytery of Philadelphia that the Synod declare to them their sense on this point, viz., whether a person without a liberal education may be taken on trials or licensed to preach the gospel. The question being put, it was carried in the negative.—1783, p. 499.

b. An overture was brought in in the following terms, viz.: "Whether in the present state of the Church in America, and the scarcity of ministers to fill our numerous congregations, the Synod or Presbyteries ought therefore to relax, in any degree, in the literary qualifications required of intrants into the ministry," and it was carried in the negative by a great majority.—1785, p. 511.

c. To keep Pace with the Progress of Society and Letters.

Your Committee recommend to the General Assembly to enjoin it upon all their Presbyteries to take the most effectual order in their power to increase, if possible, the qualifications of candidates for the gospel ministry with regard both to sincere piety and solid and extensive learning, that the improvements of the pulpit may keep full pace with the progress of society and letters.—1799, p. 181.

2. Letter to Rev. David Rice on Thorough Literary Training for the Ministry.

DEAR SIR: Your letter of the 18th of April has been regularly laid before the General Assembly; and although it ought to have been accompanied with an extract from the minutes of the Presbytery of Transylvania, yet the Assembly, having perfect confidence in you, easily waived that formality.

The inquiry which you propose in the name of the Presbytery concerning the propriety in your present circumstances of licensing and ordaining men to the work of the gospel ministry without a liberal education is certainly of great magnitude. Considering the great and ardent zeal on the subject of religion which has been awakened throughout so large a portion of the United States, the multitudes who are earnestly demanding of you the bread of life, and the few, comparatively, who are regularly ordained to break it among them, the reasoning seems specious at first which would encourage us, in the instances you mention, to depart from the spirit of our standards on this subject, and some plausible facts frequently occur which appear to confirm this reasoning and mislead the judgments of many honest and well-meaning men. On all subjects on which the human mind is roused to uncommon exertions and inflamed with uncommon ardor, men become eloquent for a season, and even the most weak and ignorant often surprise us by the fluency and pertinency as well as fervor of their expressions. And in general revivals of the spirit of religion that copiousness and pathos in prayer and exhortation which are not uncommonly to be found among men who are destitute of any liberal culture of mind, and often even of any considerable natural talents, may tempt themselves and lead others to conclude that they are endued with peculiar and extraordinary gifts for the service of the Church which ought not to be suffered to lie useless and unemployed.

An ardent zeal, too often united with a certain spiritual pride and strong self-love, is apt to inspire some weak persons of an enthusiastic temperament with vehement impulses to preach the gospel, which they flatter themselves are calls from heaven, but experience has repeatedly shown us that these inward impulses most commonly affect men of great imbecility of mind or of strong vanity. Experience further shows that when this fervor is somewhat abated, all their barrenness and defect of furniture for the holy ministry, and the sound interpretation of the sacred Scriptures, become manifest, and too many unhappy examples have occurred of those who have abandoned good morals when deserted by their zeal. And with regard to supposed calls to preach the gospel, no man can be rightly called to that sacred office out of the regular order which Christ has established in his Church; no such inward call can be judged of by any church judicatory, nor distinguished by any certain criterion from the visionary impulses of enthusiasm. The judicatories of the Church can judge only of the life and conversation of men, their knowledge and their talents to teach.

Besides, we know that the nature of true religion is to render men humble. And such is the solemnity and importance of the duty of interpreting the word of God to the people, and speaking in his name, that a sincere penitent will rather wait to be sought out than forwardly intrude himself into so holy a calling. And do we not find in fact that they are not usually the most prudent, judicious and qualified to teach among the laity who are most solicitous to be constituted public guides and instructors in the Church?

We do not say that a liberal education is absolutely essential to a man's

usefulness in the ministry of the gospel, but reason and experience both demonstrate its high importance and utility. And where ignorant men are permitted to explain the Holy Scriptures, it ought to be subject to the direction and control of others of greater knowledge. But this is an order which it has not been thought proper to adopt in the Presbyterian Church. And the superior comparative prosperity and usefulness of our Church and that of our eastern brethren, which is similarly constituted, is a demonstration by no means equivocal of the approbation and smiles of Heaven upon us in the exercise of our present form of government and discipline. But were our opinion on this subject different from what it is, we cannot lawfully and conscientiously depart from our present standards till they be changed in an orderly manner by the consent of a majority of the Presbyteries which compose the body of the General Assembly.

You express your apprehensions lest, if certain illiterate and unqualified men should not be admitted to the ministry of the gospel among you, they may withdraw from the Church and become the promoters of dangerous schisms. We answer, The path of duty is a safe path. Do what is right, and commit the event to God. If they are men of such a spirit, it is only a new proof that they are most unfit for the office to which they aspire. Parties created by them will neither be important nor durable. But if the gates of the Church are opened to weakness and ignorance, she will soon be overflowed with errors and with the wildest disorders. We shall bring the ministry into disgrace and contempt which should be, like the priesthood of Aaron, without blemish. If men are sincerely desirous of promoting the glory of God, let them first bestow the necessary pains and time to acquire the requisite qualifications for feeding and leading the flock of Christ; let them be regularly initiated in the priesthood, and not hasten to offer unhallowed fire on God's altar. If they are sincerely desirous of doing good, let them do it in that sphere in which they appear destined by Providence to move. In this every Christian, the poorest and humblest, has ample scope to exercise his pious and benevolent dispositions, and to exert his talents, whatever they may be.—1804, p. 299.

3. Liberal Education Waived in Certain Cases.

a. Several very earnest applications were made to the Synod by Welsh people in different parts, representing that many among them understand not the English tongue, and unless they have a pastor capable of speaking in their own language they must live entirely destitute of ordinances; that a certain Mr. John Griffith came some years ago from Wales, with good certificates of his Christian knowledge and piety, though he has not had a liberal education, and of being there licensed to preach the gospel; that he has preached among them to their great satisfaction, and therefore pray the Synod to ordain him to the ministry that he may both preach and also administer the sacraments among them.

Upon considering the case, the Synod find that several members have seen his certificates from Wales, that some have conversed with him and were much satisfied with his Christian knowledge and acquaintance with experimental religion; that those of the Welsh here who testify to the Synod concerning his useful preaching and pious conduct are known to be men of judgment and integrity; and as the circumstances of that people are singular, and no other way appears in which they can enjoy ordinances, the Synod agree that the said Mr. John Griffith, though he has not the measure of school learning usually required, and which they judge to be ordinarily requisite, be ordained to the work of the ministry, and ap-

point Messrs Samuel Davies, Dr. Allison, Treat, Hunter and Kettletas to be a Presbytery "*pro re nata*" to ordain him to-morrow at 11 o'clock.—1758, p. 289.

[Mr. Griffith was accordingly ordained.]

b. Whereas, From the communications from the Presbytery of Union it appears that the said John Gloucester has been for some time under the care of the Presbytery of Union; that, in the opinion of that Presbytery, he possesses promising talents and eminent piety; that he has been for several years engaged in the study of literature and theology, but has not yet obtained all the literary qualifications usually required in candidates for licensure; and that if he were licensed there is much reason to believe he might be highly useful in preaching the gospel among those of his own color; and *whereas*, said Presbytery requests the advice of the General Assembly; therefore,

Resolved, 1. That the General Assembly highly approve the caution and prudence of the Presbytery of Union in this case. 2. That considering the circumstances of this particular case—viz., the evidence of unusual talents, discretion and piety possessed by John Gloucester—the good reason there is to believe that he may be highly useful in preaching the gospel among those of his own color, and the various difficulties likely to attend a further delay in proceeding in this case, the General Assembly did and hereby do authorize the Presbytery of Philadelphia to consider the case of John Gloucester, and if they think proper to license him to preach the gospel.—1807, p. 387.

4. Theological Instruction.

a. Overtures for the Establishment of a Theological School.

The Committee [of Bills and Overtures] laid before the Assembly an overture from the Presbytery of Philadelphia for the establishment of a theological school.

The overture was read, and the Rev. Dr. Dwight* and the Rev. Messrs. Irwin, Hosack, Romeyn, Anderson, Lyle, Burch, Lacy, and Messrs. Bayard, Slaymaker and Harrison, elders, were appointed a Committee to take the overture into consideration and report upon it.—1809, p. 417.

The Committee to which was referred the overture in relation to the establishment of a theological school brought in the following report, which, being read, was adopted, viz.:

The Committee appointed on the subject of a theological school overtured from the Presbytery of Philadelphia, report:

That three modes of compassing this important object have presented themselves to their consideration.

The first is to establish one great school in some convenient place near the centre of the bounds of our Church.

The second is to establish two schools in such places as may best accommodate the northern and southern divisions of the Church.

The third is to establish such a school within the bounds of each of the Synods. In this case your Committee suggest the propriety of leaving it to each Synod to direct the mode of forming the school and the place where it shall be established.

The advantages attending the first of the proposed modes are that it would be furnished with larger funds, and therefore with a more extensive

* President of Yale College, who sat in the Assembly as a delegate from the General Association of Connecticut.

library and a greater number of professors. The system of education pursued in it would, therefore, be more extensive and more perfect; the youths educated in it would also be more united in the same views, and contract an early and lasting friendship for each other—circumstances which could not fail of promoting harmony and prosperity in the Church. The disadvantages attending this mode would be principally those derived from the distance of its position from the extremities of the Presbyterian bounds.

The advantages attending the second of the proposed modes and the disadvantages will readily suggest themselves from a comparison of this with the other two.

The advantages which attend the third—to wit, the establishment of theological schools by the respective Synods—would be the following: The local situation of the respective schools would be peculiarly convenient for the several parts of a country so extensive as that for the benefit of which they were designed. The inhabitants, having the seminaries brought near to them, would feel a peculiar interest in their prosperity, and may be rationally expected to contribute to it much more liberally and generally than to a single school, or even to two. The Synods also, having the immediate care of them, and directing either in person or by delegation all their concerns, would feel a similar interest, and would probably be better pleased with a system formed by themselves, and therefore peculiarly suited to the wishes and interests of the several parts of the Church immediately under their direction. Greater efforts, therefore, may be expected from ministers and people to promote the prosperity of these schools than of any other. The disadvantages of this mode would be the inferiority of the funds, a smaller number of professors, a smaller library and a more limited system of education in each. The students also would, as now, be strangers to each other.

Should the last of these modes be adopted, your Committee are of opinion that everything pertaining to the erection and conduct of each school should be left to the direction of the respective Synods. If either of the first, the whole should be subject to the control of the General Assembly.

Your Committee also suggest that in the former of these cases the funds for each school should be raised within the bounds of the Synod within which it was stationed. In the latter they should be collected from the whole body of the Church.

Your Committee therefore submit the following resolution, to wit:

Resolved, That the above plan be submitted to all the Presbyteries within the bounds of the General Assembly for their consideration, and that they be careful to send up to the next Assembly, at their sessions in May, 1810, their opinions on the subject.—1809, p. 430.

b. Plans Proposed.

The Committee appointed to examine the reports of the several Presbyteries on the subject of theological schools, and to report to the Assembly the opinions expressed by them severally on the three different plans sent down for their consideration, reported that after carefully examining the reports of the several Presbyteries on this subject they find the following results: Ten Presbyteries have expressed an opinion in favor of the first plan, viz., the establishment of a single school. One Presbytery has given an opinion in favor of the second plan, viz., the establishment of two schools. Ten Presbyteries have expressed a judgment in favor of the third plan, viz., the establishment of a school in each Synod. Six Presbyteries have expressed an opinion that it is not expedient at present to

attempt the establishment of any school; and from the remaining Presbyteries no report has been received.—1810, p. 439.

c. Act Establishing the Seminary.

The Committee appointed further to consider the subject of theological schools reported, and the report, being read and amended, was adopted, and is as follows, viz.:

That after maturely deliberating on the subject committed to them they submit to the Assembly the following results:

1. It is evident that not only a majority of the Presbyteries which have reported on this subject, but also a majority of all the Presbyteries under the care of this Assembly, have expressed a decided opinion in favor of the establishment of a theological school or schools in our Church.

2. It appears to the Committee that although according to the statement already reported to the Assembly there is an equal number of Presbyteries in favor of the first plan, which contemplates a single school for the whole Church, and in favor of the third plan, which contemplates the erection of a school in each Synod, yet, as several of the objections made to the first plan are founded entirely on misconception and will be completely obviated by developing the details of that plan, it seems fairly to follow that there is a greater amount of presbyterial suffrage in favor of a single school than any other plan.

3. Under these circumstances the Committee are of opinion that as much light has been obtained from the reports of Presbyteries on this subject as would be likely to result from a renewal of the reference, that no advantage will probably arise from further delay in this important concern, but on the contrary much serious inconvenience and evil, that the present Assembly is bound to attempt to carry into execution some one of the plans proposed, and that the first plan, appearing to have on the whole the greatest share of public sentiment in its favor, ought of course to be adopted.

4. Your Committee therefore recommend that the present General Assembly declare its approbation and adoption of this plan, and immediately commence a course of measures for carrying it into execution as promptly and extensively as possible; and for this purpose they recommend to the Assembly the adoption of the following resolution:

1. *Resolved,* That the state of our churches, the loud and affecting calls of destitute frontier settlements, and the laudable exertions of various Christian denominations around us, all demand that the collected wisdom, piety and zeal of the Presbyterian Church be without delay called into action for furnishing the Church with a large supply of able and faithful ministers.

2. That the General Assembly will, in the name of the great Head of the Church, immediately attempt to establish a seminary for securing to candidates for the ministry more extensive and efficient theological instruction than they have heretofore enjoyed. The local situation of this seminary is hereafter to be determined.

3. That in this seminary, when completely organized, there shall be at least three professors, who shall be elected by and hold their offices during the pleasure of the General Assembly, and who shall give a regular course of instruction in divinity, Oriental and biblical literature, and in ecclesiastical history and church government, and on such other subjects as may be deemed necessary. It being, however, understood that until sufficient funds can be obtained for the complete organization and support of the

proposed seminary a smaller number of professors than three may be appointed to commence the system of instruction.

4. That exertion be made to provide such an amount of funds for this seminary as will enable its conductors to afford gratuitous instruction, and when it is necessary gratuitous support, to all such students as may not themselves possess adequate pecuniary means.

5. That the Rev. Drs. Green, Woodhull, Romeyn and Miller, the Rev. Messrs. Archibald Alexander, James Richards and Amzi Armstrong, be a Committee to digest and prepare a plan of a theological seminary, embracing in detail the fundamental principles of the institution, together with regulations for guiding the conduct of the instructors and the students, and prescribing the best mode of visiting, of controlling and supporting the whole system. This plan is to be reported to the next General Assembly.

6. That the Rev. Messrs. Jedediah Chapman, Jonas Coe, William Morrison, James Carnahan and Mr. Isaac Hutton of the Synod of Albany; Rev. Drs. Samuel Miller, Philip Milledoler, John B. Romeyn and Aaron Woolworth, the Rev. Messrs. James Richards, Comfort and Isaac Vandoren and Col. Henry Rutgers of the Synod of New York and New Jersey; Rev. Drs. Ashbel Green, John McKnight and James Muir, the Rev. Messrs. Nathaniel Irwin, John Glendy, Archibald Alexander, John E. Latta, John B. Slemmons, John B. Patterson and James Inglis and Mr. Robert Ralston of the Synod of Philadelphia; the Rev. John D. Blair, William Williamson, Samuel Houston, Samuel Doake and Benjamin Grigsby of the Synod of Virginia; the Rev. Samuel Ralston, James Guthrie, William Speer and James Hughes of the Synod of Pittsburg; the Rev. Robert G. Wilson, James Blythe, Archibald Cameron and Joshua L. Wilson of the Synod of Kentucky; the Rev. Drs. James Hall, Henry Kollock and the Rev. Messrs. Malcolm McNair, James McIlhenny and Andrew Flinn of the Synod of the Carolinas, be and they hereby are appointed agents to solicit donations in the course of the current year, within the bounds of their respective Synods, for the establishment and support of the proposed seminary; and if any of said agents should be unable or unwilling to act in this case, it will be his or their duty to inform the moderator of his or their Synod, for the time being, who is hereby authorized, if he think proper, to appoint a substitute or substitutes, as the case may require. These agents are to report to the next General Assembly.

Resolved, That the members of this Assembly generally, and all the clergy of our denomination within our bounds, do aid the exertions of those who shall go on in this business.

7. That as filling the church with a learned and able ministry, without a corresponding portion of real piety, would be a curse to the world and an offence to God and his people, so the General Assembly think it their duty to state that, in establishing a seminary for training up ministers, it is their earnest desire to guard as far as possible against so great an evil; they do hereby solemnly pledge themselves to the churches under their care that, in forming and carrying into execution the plan of the proposed seminary, it will be their endeavor to make it, under the blessing of God, a nursery of vital piety as well as of sound theological learning, and to train up persons for the ministry who shall be lovers as well as defenders of the truth as it is in Jesus, friends of revivals of religion, and a blessing to the Church of God.

8. That as the Constitution of our Church guarantees to every Presbytery the right of judging of its own candidates for licensure and ordina-

tion, so the Assembly think it proper to state most explicitly that every Presbytery and Synod will, of course. be left at full liberty to countenance the proposed plan or not at pleasure, and to send their students to the projected seminary, or keep them as heretofore within their own bounds, as they think most conducive to the prosperity of the Church.

9. That the professors in the seminary shall not in any case be considered as having a right to license candidates to preach the gospel, but that all such candidates shall be remitted to their respective Presbyteries to be examined and licensed as heretofore.

10. *Resolved* finally, That Dr. Samuel Miller and Rev. James Richards be a Committee to prepare a draught of an address from this Assembly to the churches under our care, calling their attention to the subject of a theological school, and earnestly soliciting their patronage and support in the execution of the plan now proposed.—1810, p. 453.

d. Agreement with the Trustees of New Jersey College.

a. An extract from the minutes of the trustees of the college of New Jersey, stating the appointment of a Committee of their Board to confer with a Committee of this Assembly on the establishment of a theological school, being received, was read, and Drs. Alexander and Nott, the Rev. John P. Campbell, Messrs. Connelly and Bethune, were appointed a Committee to confer with the Committee of the trustees.—1811, p. 466.

b. This Committee reported among other things that they deem it expedient on the part of this Assembly to appoint a Committee, with ample powers, to meet a Committee on the part of the trustees of the college of New Jersey, invested with similar powers, to frame the plan of a constitution for the theological seminary, containing the fundamental principles of a union with the trustees of that college and the seminary already established by them, which shall never be changed or altered without the mutual consent of both parties, provided that it should be deemed proper to locate the Assembly's seminary at the same place with that of the college. [The Committee was appointed.]—1811, pp. 470, 471.

e. Terms of Agreement.

The following plan of an agreement between a Committee appointed by the last General Assembly and a Committee of the trustees of the college of New Jersey for the location and establishment of a theological seminary, was submitted to this Assembly, and was adopted:

1. That the theological seminary about to be erected by the General Assembly shall have its location in Princeton or its immediate vicinity, in the State of New Jersey, and in such connection with the college of New Jersey as is implied in the following articles:

2. That the trustees of the college engage that the General Assembly and directors, to be by them appointed, shall carry into full and complete effect, without any interposition, interference, let or hindrance from them, the trustees or their successors, the whole plan of a theological seminary, as laid down and agreed upon at a meeting of the Assembly in the present year of our Lord, 1811. That is to say, that the said General Assembly shall appoint their directors, choose their professors, carry on their instruction, govern their pupils and manage their funds as to them shall appear best.

3. That the trustees of the college engage to the General Assembly freely to allow them to erect at their own expense, on the grounds belonging to the college, such buildings for the accommodation of pupils and

professors as they may judge proper, and which may not interfere with the buildings and their conveniences already erected by the trustees; and to prevent all future dissatisfaction on this subject, that it be agreed that when the General Assembly or the directors of the theological seminary may wish to erect any building on the college grounds, and there shall be any discordance of views relative to the same, then the General Assembly or the directors aforesaid shall appoint three men and the Board of Trustees the same number, and these six shall choose one man not belonging to either body; and these seven men, by a majority of votes, shall determine whether said building can be properly erected on said grounds, and if so, what shall be the site and size of the same; and that this determination shall be conclusive and final with both parties. Provided nothing contained in this article shall be understood to prohibit the General Assembly or the directors of the theological seminary from making use of any other ground, within the limits prescribed in article first, for the purposes aforesaid.

4. That the trustees engage to the General Assembly to grant them every practicable accommodation in the buildings now existing, not only till others may be erected by the Assembly, but afterward, so long as the same may be desirable.

5. That the trustees engage to endeavor to receive into the college all the youth whom the Assembly, or the directors by them appointed, may send to it for the purpose of education, subject to such examination at entrance and to such discipline during their residence in college as the other pupils of the college are subjected to, the trustees to receive for the expenses of board, tuition and room-rent the same as for others, and giving to the Assembly the assurance that as pupils increase and the funds of the college will permit, they will reduce as low as possible all the expenses of the pupils under their care.

6. That the trustees agree to receive and hold for the use of the Assembly such sums of money as they may voluntarily choose to deposit in the hands of the trustees for improvement, so as to incur no inconvenience to such trustees from the limitation of their charter, and that such sums of money be accordingly invested in such funds as the Assembly shall direct; that the trustees pay the interest thereof, when received, to the order of the Assembly, keep it wholly separate from the funds of the college, and pay over or transfer to the order of the Assembly the principal sum whenever they shall so direct.

7. That the trustees grant to the professors and pupils of the theological seminary the free use of the college library, subject to such rules as may be adopted for the preservation of the books and the good order of the same.

8. That if the General Assembly shall wish to establish at Princeton an elementary school for the instruction of youth in such learning as usually precedes their entrance into college, the trustees agree to aid them in this undertaking by every accommodation and all the patronage in their power, so, however, as not to engage to make drafts on the funds of the college for that purpose.

9. That if at any time the General Assembly shall find that the connection between their seminary and the college does not conduce sufficiently to the great purposes contemplated to be answered by the said seminary, they shall be at liberty to remove it to some other place; and the trustees engage that while the theological seminary shall remain at Princeton no professorship of theology shall be established in the college.

10. That whereas the trustees of the college have in their hands a fund,

the annual income of which is nearly eighteen hundred dollars, appropriated by the donors to the education of poor and pious youth for the gospel ministry of the Presbyterian denomination, the trustees give an assurance to the Assembly that if the first of these articles take effect they will pay a high regard to the recommendation of the Assembly or of their directors as to the youth who shall receive the benefit of this fund.

ASHBEL GREEN, JOHN WOODHULL,
RICHARD STOCKTON,
Committee of the Trustees of New Jersey College.
ARCHIBALD ALEXANDER, ROBERT RALSTON,
JACOB J. JANEWAY, JOHN MCDOWELL,
Committee of the General Assembly.

Princeton, June 26, 1811. —1812, p. 499.

f. The Location fixed at Princeton.

The resolution for locating the theological seminary was again resumed, and after considerable discussion and special prayer for direction on the important subject, was adopted, and is as follows, viz.:

Resolved, That Princeton be the site of the theological seminary, leaving the subject open as to its permanency, agreeably to the stipulations agreed upon by the joint Committees of the last Assembly and the trustees of the college of New Jersey.—1812, p. 497.

Resolved, That the permanent location of the theological seminary be in the borough of Princeton, New Jersey, in conformity with the agreement with the trustees of the college signed at Princeton, June 26, 1811, and ratified by the General Assembly at their sessions in May, 1812.—1813, p. 533.

5. The Seminaries.

I. PRINCETON THEOLOGICAL SEMINARY.

[The following are all the provisions of the plan of the seminary that are of general interest. Such as relate to the mere internal management are omitted. The plan was drawn up by a Committee (see above, title 2, sec. v.) and adopted by the Assembly (Minutes, 1811, p. 472), and subsequently, by occasional amendments, modified to its present form. In the following articles those sections which have no reference affixed to them stand as originally adopted. All the other seminaries of our Church are organized upon the same essential plan. See Baird, Rev. Ed., pp. 434–438.]

ARTICLE I.—*Of the General Assembly.*

SECTION 1. As this institution derives its origin from the General Assembly, so that body is to be considered at all times as its patron and the fountain of its powers. The Assembly shall accordingly ultimately sanction all its laws, direct its instructions and appoint its principal officers.

SEC. 2. The General Assembly shall choose a Board of Directors, consisting of twenty-one ministers and nine ruling elders, by whom the seminary shall be inspected and conducted. Of this number one-third, or seven ministers and three elders, shall be chosen annually, to continue in office three years; and if any vacancy shall occur in the Board by death, resignation or incapacity to serve, the Assembly may annually fill up such vacancies.—1815, p. 581.

SEC. 3. All professors of the seminary shall be appointed by the Assembly. But in cases of necessity the Board of Directors may employ a suit-

able person to perform the duties of a professor till a meeting of the Assembly shall take place.

Sec. 4. The General Assembly shall at all times have the power of adding to the constitutional articles of the seminary, and abrogating, altering or amending them; but in the exercise of this power the contemplated additions, abrogations, alterations or amendments shall in every case be proposed at one Assembly, and not adopted till the Assembly of the subsequent year, except by a unanimous vote.

Article II.—*Of the Board of Directors.*

Sec. 1. The Board of Directors shall meet statedly once in each year at the close of the session, and oftener on their own adjournment if they shall judge it expedient. Nine members of the Board shall be a quorum, provided always, that of this number five at least be ministers of the gospel, and the president, or, in case of his absence, one of the vice presidents, be one.—1841, p. 436.

Sec. 2. The Board shall choose out of their own number a President, two Vice Presidents and a Secretary. In the absence of the President and Vice Presidents the senior member shall preside.

Sec. 3. The President of the Board, or, in the event of his death, absence or inability to act, the first Vice President, shall, at the request of any three members, expressed to him in writing, call a special meeting of the Board of Directors by a circular letter addressed to each; in which letter notice shall be given not only of the place and time of meeting, but of the business intended to be transacted at the meeting notified; and this letter shall be sent at least twenty days before the time of said meeting.—1812, p. 508.

Sec. 4. The Secretary of the Board shall keep accurate records of all the proceedings of the directors; and it shall be his duty to lay these records, or a faithful transcript of the same, before the General Assembly annually, for the unrestrained inspection of all the members.

Sec. 7. The Board shall direct the professors of the seminary in regard to the subjects and topics on which they are severally to give instruction to the pupils, so far as the same shall not be prescribed by this plan or by the orders of the General Assembly.

Sec. 8. It shall be the duty of the Board of Directors to inaugurate the professors of the seminary, and to direct what forms shall be used, and what services performed, on such occasions.

Sec. 9. Every director, previously to his taking his seat as a member of the Board, shall solemnly subscribe the following formula, viz.: "Approving the plan of the theological seminary of the Presbyterian Church in the United States of America, I solemnly declare and promise, in the presence of God and of this Board, that I will faithfully endeavor to carry into effect all the articles and provisions of said plan, and to promote the great design of the seminary."

Sec. 10. The Board of Directors shall inspect the fidelity of the professors, especially in regard to the doctrines actually taught; and if, after due inquiry and examination, they shall judge that any professor is either unsound in the faith, opposed to the fundamental principles of Presbyterian Church government, immoral in his conduct, unfaithful to his trust or incompetent to the discharge of his duties, they shall faithfully report him as such to the General Assembly. Or if the longer continuance of a professor be judged highly dangerous, the directors may immediately suspend him, and appoint another in his place, till the whole business can be reported and submitted to the Assembly.

Sec. 11. It shall be the duty of the Board of Directors to watch over the conduct of the students; to redress grievances; to examine into the whole course of instruction and study in the seminary; and generally to superintend and endeavor to promote all its interests.

Sec. 12. The Board of Directors shall make in writing a detailed and faithful report of the state of the seminary to every General Assembly, and they may at the same time recommend such measures for the advantage of the seminary as to them may appear proper.

Article III.—*Of the Professors.*

Sec. 1. The number of the professors in the seminary shall be increased or diminished as the Assembly may from time to time direct. But when the seminary shall be completely organized, there shall not be less than three professors.

Sec. 2. No person shall be inducted into the office of professor of divinity but an ordained minister of the gospel.

Sec. 3. Every person elected to a professorship in this seminary shall, on being inaugurated, solemnly subscribe the Confession of Faith, Catechisms and Form of Government of the Presbyterian Church, agreeably to the following formula, viz.: "In the presence of God and of the directors of this seminary, I do solemnly and *ex animo* adopt, receive and subscribe the Confession of Faith and Catechisms of the Presbyterian Church in the United States of America as the confession of my faith, or as a summary and just exhibition of that system of doctrine and religious belief which is contained in Holy Scripture, and therein revealed by God to man for his salvation; and I do solemnly *ex animo* profess to receive the Form of Government of said Church as agreeable to the inspired oracles. And I do solemnly promise and engage not to inculcate, teach or insinuate anything which shall appear to me to contradict or contravene, either directly or impliedly, anything taught in the said Confession of Faith or Catechisms, nor to oppose any of the fundamental principles of Presbyterian Church government, while I shall continue a professor in this seminary."

Sec. 4. The salaries of the professors shall be recommended by the directors, but they shall be fixed only by a vote of the General Assembly.

Sec. 6. Each professor shall lay before the Board of Directors, as soon as practicable after his appointment, a detailed exhibition of the system and method which he proposes to pursue, and the subjects which he proposes to discuss, in conducting the studies of the youth that shall come under his care, and in this system he shall make such alterations or additions as the Board shall direct; so that, eventually, the whole course through which the pupils shall be carried shall be no other than that which the Board of Directors shall have approved and sanctioned, conformably to sec. 8, art. ii. And as often as any professor shall think that variations and additions of importance may be advantageously introduced into his course of teaching, he shall submit the same to the Board of Directors for their approbation or rejection.

Sec. 8. Any professor intending to resign his office shall give six months' notice of such intention to the Board of Directors.

Sec. 9. The professors of the institution shall be considered as a faculty. They shall meet at such seasons as they may judge proper. In every meeting the senior professor present shall preside. The faculty shall choose a clerk, and keep accurate records of all their proceedings; which records shall be laid before the directors at every meeting of the Board.

The president of the faculty shall call a meeting whenever he shall judge it expedient, and whenever he shall be requested to do so by any other member. By the faculty, regularly convened, shall be determined the hours and seasons at which the classes shall attend the professors severally, so as to prevent interference and confusion, and to afford to the pupils the best opportunities of improvement. The faculty shall attend to and decide on all cases of discipline and all questions of order, as they shall arise. They shall agree on the rules of order, decorum and duty (not inconsistent with any provision in the plan of the seminary, nor with any order of the Board of Directors) to which the students shall be subjected; and these they shall reduce to writing, and cause to be publicly and frequently read. They shall determine the hours at which the whole of the pupils shall, morning and evening, attend for social worship, and the manner in which, and the person or persons of their own number by whom, the exercises of devotion shall be conducted.—1840, p. 293, O. S.

Sec. 10. The faculty shall be empowered to dismiss from the seminary any student who shall prove unsound in his religious sentiments, immoral or disorderly in his conduct, or who may be, in their opinion, on any account whatsoever, a dangerous or unprofitable member of the institution.

Sec. 12. It shall be the duty of the professors, under the direction of the Board of Directors, to supply the pupils of the institution with the preaching of the gospel and the administration of the sacraments of the Christian Church, if this supply shall not, in the judgment of the directors, be satisfactorily furnished by a church or churches in the place where the institution shall be established.

Article IV.—*Of Study and Attainments.*

Sec. 1. Every student, at the close of his course, must have made the following attainments, viz.: He must be well skilled in the original languages of the Holy Scriptures. He must be able to explain the principal difficulties which arise in the perusal of the Scriptures, either from erroneous translations, apparent inconsistencies, real obscurities or objections arising from history, reason or argument. He must be versed in Jewish and Christian antiquities which serve to explain and illustrate Scripture. He must have an acquaintance with ancient geography, and with Oriental customs which throw light on the sacred records. Thus he will have laid the foundation for becoming a sound biblical critic.

He must have read and digested the principal arguments and writings relative to what has been called the deistical controversy. Thus will he be qualified to become a defender of the Christian faith.

He must be able to support the doctrines of the Confession of Faith and Catechisms by a ready, pertinent and abundant quotation of Scripture texts for that purpose. He must have studied, carefully and correctly, natural, didactic, polemic and casuistic theology. He must have a considerable acquaintance with general history and chronology, and a particular acquaintance with the history of the Christian Church. Thus he will be preparing to become an able and sound divine and casuist.

He must have read a considerable number of the best practical writers on the subject of religion. He must have learned to compose with correctness and readiness in his own language, and to deliver what he has composed to others in a natural and acceptable manner. He must be well acquainted with the several parts and the proper structure of popular lectures and sermons. He must have composed at least two lectures and four popular sermons that shall have been approved by the professors.

He must have carefully studied the duties of the pastoral care. Thus he will be prepared to become a useful preacher and a faithful pastor.

He must have studied attentively the Form of Church Government, authorized by the Scriptures, and the administration of it as it has taken place in Protestant churches. Thus he will be qualified to exercise discipline, and to take part in the government of the Church in all its judicatories.

Sec. 2. The period of continuance in the theological seminary shall in no case be less than three years previously to an examination for a certificate of approbation. But students may enter the seminary and enjoy the course of instruction for a shorter time than three years, provided they in all other respects submit to the laws of the seminary, of which facts they may receive a written declaration from the professors.

Sec. 3. There shall be an examination of all the pupils in the seminary at every stated meeting of the Board of Directors. Those pupils who shall have regularly and diligently studied for three years shall be admitted to an examination on the subjects specified in this article. All examinations shall be conducted by the professors in the presence of the directors or a Committee of them. Every director present shall be at liberty, during the progress of any examination or after the same shall have been closed by the professors, to put to any pupils such questions as he shall deem proper. Every pupil that shall have passed his final examination to the satisfaction of the directors present shall receive a certificate of the same, signed by the professors, with which he shall be remitted to the Presbytery under whose care he is placed, to be disposed of as such Presbytery shall direct. Those who do not pass a satisfactory examination shall remain a longer space in the seminary.—1819, p. 707.

Sec. 4. It shall be the object of the professors to make such arrangements in the instruction of their pupils as shall be best adapted to enable them, in the space of three years, to be examined with advantage on the subjects specified in this article.

Article V.—*Of Devotion and Improvement in Practical Piety.*

[Omitted.]

Article VI.—*Of the Students.*

Sec. 1. Every student applying for admission to the theological seminary shall produce satisfactory testimonials that he possesses good natural talents, and is of a prudent and discreet deportment; that he is in full communion with some regular church; that he has passed through a regular course of academical study; or, wanting this, he shall submit himself to an examination in regard to the branches of literature taught in such a course.

Sec. 2. The first six months of every student in the seminary shall be considered as probationary; and if, at the end of this period, any student shall appear to the professors not qualified to proceed in his studies, they shall so report him to the Board of Directors, who, if they are of the same opinion with the professors, shall dismiss him from the seminary.

Sec. 3. The hours of study and of recreation for the students shall be fixed by the professors, with the concurrence of the directors, and every student shall pay a strict regard to the rules established relative to this subject.

Sec. 4. Every student shall be obliged to write on such theological and other subjects as may be prescribed to him by the professors once a month, and shall also commit to memory a piece of his own composition, and

pronounce it in public before the professors and students.—1840, p. 293, O. S.

Sec. 9. Every student, before he takes his standing in the seminary, shall subscribe the following declaration, viz.: "Deeply impressed with a sense of the importance of improving in knowledge, prudence and piety and in my preparation for the gospel ministry, I solemnly promise, in a reliance on divine grace, that I will faithfully and diligently attend on all the instructions of this seminary, and that I will conscientiously and vigilantly observe all the rules and regulations specified in the plan for its instruction and government, so far as the same relate to the students, and that I will obey all the lawful requisitions and readily yield to all the wholesome admonitions of the professors and directors of the seminary while I shall continue a member of it."

Sec. 10. The exercises of the seminary shall be suspended during fourteen weeks in every year, the number of vacations and the times at which they shall begin and end to be determined by the Board of Directors.—1840, p. 293, O. S.

Article VII.—*Of the funds.*

Sec. 1. The funds of the institution shall be kept at all times entirely distinct and separate from all other moneys or funds whatsoever, and they shall be deposited in the hands of such corporation, or disposed of for safe keeping and improvement in such other manner, as the General Assembly shall direct.

Sec. 2. The Board of Directors shall from time to time, as they may see proper, lay before the Assembly plans for the improvement of the funds, and propositions for the appropriation of such sums as they may think necessary for particular purposes.

Sec. 3. No money shall at any time be drawn from the funds but by an appropriation and order of the Assembly for the purpose.

Sec. 4. A fair statement shall annually be laid before the Assembly by the proper officer of the amount of the funds belonging to the seminary, of the items which constitute that amount, and of the expenditures in detail for the preceding year.

Sec. 5. The intention and directions of testators or donors, in regard to moneys or other property left or given to the seminary, shall at all times be sacredly regarded. And if any individual, or any number of individuals, not greater than three, shall will, or during his or their lives found or endow a professorship or professorships, a scholarship or scholarships, or a fund or funds destined to special purposes, said professorships, scholarships or funds shall for ever afterward be called and known by the name or names of those who founded or endowed them; and if any congregation, Presbytery, Synod or Association shall found a professorship or professorships, or scholarship or scholarships, or a fund or funds, said professorships, scholarships or funds shall for ever afterward be called and known by such names as the body founding them shall give.

Sec. 6. After supporting the professor, and defraying the other necessary charges of the seminary, the funds shall be applied, as far as circumstances will admit, to defray or diminish the expenses of those students who may need pecuniary aid, as well as to lessen generally the expense of a residence at the seminary.

b. Election of Directors.

That when the Assembly shall proceed to the election of directors of the theological seminary, the clerk shall call on the members severally to

nominate any number of persons, not exceeding the number to be elected, if he shall think it expedient to make any nomination.

2. That when the members have been severally called upon in the order of the roll to make a nomination agreeably to the above rule, the names of the persons nominated shall be immediately read by the clerk for the information of the members, and that on the day following the Assembly proceed to elect by ballot the whole number of directors to be chosen.

3. That two members be appointed to take an account of the votes given for the candidates nominated for directors of said theological seminary, and to report to the Assembly the number of votes for each of the said candidates who have a plurality of votes, who shall be declared duly elected; but if the whole number to be elected should not be elected, and two or more of the candidates should have an equal number of votes, then in that case the house shall proceed to elect from the nomination a sufficient number to complete the Board, and shall continue to vote in this manner until the full number specified by the constitution of the theological seminary be completed.

4. When the votes shall have been counted, and the requisite number of directors shall have been elected in the manner above specified, the moderator shall announce to the Assembly the names of those persons who shall appear to have the highest number of votes and are thus elected.—1812, p. 503.

c. Manner of Electing Professors.

That whenever a professor or professors are to be elected, the Assembly by a vote shall determine the day when said election shall be held, which day shall be at least two days after the above determination has been made. Immediately after the vote fixing the day has passed, the Assembly shall have a season for special prayer for direction in their choice. The election in all cases shall be made by ballot. The ballots having been counted by two members previously appointed, they shall report a statement of said votes to the moderator, and in case there shall appear to be an equal number of votes for any two or more candidates, the Assembly shall proceed either immediately or at some subsequent period of their sessions to a new election. The choice being made, it shall be announced to the Assembly by the moderator.—1812, p. 503.

d. Plan as Amended by the Assembly of 1870.

The Committee on Theological Seminaries presented a report on the memorial of the directors of Princeton seminary, with the following resolutions, which were unanimously adopted:

Resolved, 1. That the plan of the theological seminary at Princeton be changed as follows, viz.:

In Article I.—*Of the General Assembly.*

Section 1 shall hereafter read as follows: "As this institution derives its origin from the General Assembly, that body is to be considered its patron and the fountain of its powers."

Section 2 shall hereafter read as follows: "The Board of Directors appointed by the Assembly shall have the immediate control of the seminary."

Section 3 shall be omitted.

Section 4 shall remain as it is.

In Article II.—*Of the Board of Directors.*

*Section 1 shall hereafter be as follows: "The Board of Directors shall consist of twenty-one ministers and nine ruling elders, and shall have power to fill any vacancies which may hereafter occur in its body, subject always, however, to the veto of the General Assembly."

Section 2 shall hereafter be as follows: "The Board of Directors shall have power to elect the professors and to remove them from office, such election and removal to be subject to the veto of the General Assembly. The said Board shall also have power to suspend temporarily a professor, preliminary to and pending an investigation of charges against his life or doctrine."

Sections 1, 2, 3, 4, 7, 8, 9, 11, 12 of this article shall hereafter be respectively Sections 3, 4, 5, 6, 7, 8, 9, 10 and 11.

Section 10 of this article, as it stands, shall hereafter be omitted.

Article III.—*Of the Professors.*

Section 1 shall hereafter be as follows: "The number of professors in the seminary shall be increased or diminished as the Board of Directors shall from time to time direct."

Section 2 shall remain as it is.

Section 3 shall remain as it is.

Section 4 shall hereafter be as follows: "The salaries of the professors shall be fixed by the Board of Directors."

Sections 6, 8, 9, 10 and 12 of this article shall hereafter be respectively Sections 5, 6, 7, 8 and 9.

Resolved, 2. That the salary of each professor be increased to three thousand dollars per annum from May 1, 1869, the increase to be paid out of any unappropriated funds of the seminary in the hands of its trustees.

The following changes in Article VII., on the suggestion of the Committee appointed by the Board of Directors of the Princeton theological seminary to examine Article VII. of the plan of the seminary, and to propose to the Assembly such alterations as may bring that article into harmony with the other alterations proposed in the report of the Board of Directors to the Assembly, were adopted, viz.:

Omit Sections 1, 2, 3 and 4, and in lieu thereof insert the following, viz.:

Sec. 1. The Board of Directors are authorized to exercise all the control of the funds belonging to this institution, hitherto exercised by the General Assembly, as far as this can be done consistently with the will of the testators and donors, such as fixing the salary of the professors, regulating the amount required for endowment of scholarships or professorships, and keeping sacred and distinct the different funds already created, or to be hereafter created, for the specific objects for which they are given.

Sec. 2. All matters relating to the finances, fixing the salaries of professors, the extent of endowment and the aid of students shall be by the Board of Directors submitted to the trustees of the seminary for their approval.

Sec. 3. Fair statements shall be annually presented to the Assembly by the Board of Directors and by the trustees of the amount of funds belonging to the seminary, of the items which constitute that amount, and of the expenditures in detail for the preceding year.

Sections 5 and 6 to remain as heretofore, and to be numbered respectively 4 and 5.—1870, pp. 65, 66.

*See *e*, below.

e. Substitute for Article 2, Section 1, of the Plan above.

That to prevent a possible ambiguity, this Committee, with the approbation of the directors and professors of Princeton seminary, propose the following as a substitute for Section 1, Article 2, of the plan of that institution, viz.: "The Board of Directors shall consist of twenty-one ministers and nine ruling elders, of whom one-third, or seven ministers and three elders, shall be chosen by said Board annually, to continue in office three years; and the Board shall also have power to fill all vacancies which may occur in its body; all of these elections, however, shall be subject to the veto of the General Assembly, to whom they shall be reported at the next meeting thereafter." Adopted.—1871, p. 579.

[The following report made to the Assembly in 1870 gives in detail the origin of the several seminaries, and their relations to the Assembly at the time of the reunion.]

Report on Theological Seminaries, 1870.

The Committee on Theological Seminaries presented a report, which was adopted, as follows:

The number of theological seminaries connected with the General Assembly, directly or indirectly, is seven.

These were founded after different methods and at different epochs, thus representing more or less important changes of sentiments and events in the history of the Church and the country.

I. The seminary at Princeton was founded by the General Assembly itself in the year 1812. Coming into existence in the early part of this century, immediately after the organization of the American Board of Foreign Missions and the seminary at Andover, when there was a very general unity and co-operation of good men throughout the land, it must be regarded and honored as the first of those great movements in the Presbyterian Church which looked to the spreading of the kingdom of Christ at home and abroad.

II. The seminary at Auburn was founded in the year 1819, for the purpose of training up a ministry in what was then known as "the Western country."

III. The seminary at Allegheny was established in 1825. Lane Seminary, at Cincinnati, in 1829.

IV. These three seminaries are associated with two things: 1. The beginning of that tide of emigration from the East to the West which has been rolling and surging onward ever since; and 2. That spirit of active evangelism which most happily was simultaneous with westward emigration, a new power and life of religion distinguishing that memorable period.

V. Union theological seminary, in New York, was founded in the year 1836, one year preceding the disruption of the Church. Coming into existence at that extraordinary time, the design of its founders, who were then largely members of churches known after the division as Old School, was, in their own language, "to provide a seminary which might commend itself to all men of moderate views and feelings desiring to live free from party strife, and to stand aloof from all extremes of doctrine and of practice."

VI. The seminary at Danville, Ky., was founded in the year 1853.

VII. That now at Chicago, Ill., was established in that city in the year 1859 by removal from New Albany—dates sufficiently distinct to repre-

sent advanced stages in those conflicts of opinion which subsequently convulsed the country and the Church, and which have not as yet entirely passed away.

The seminaries now enumerated were founded not only at different times, but after *different methods*. Those at Princeton, Allegheny, Danville and Chicago were established by the General Assembly, and are under its direct supervision and control.

The seminary at Auburn is controlled by a Board of Commissioners, elected by certain Presbyteries in Central and Western New York, and a Board of Trustees elected by the commissioners. Its faculty, appointed by the Commissioners, report to the General Assembly.

Lane seminary, at Cincinnati, and Union seminary, at New York, were founded by individuals, members of the Presbyterian Church, and by their charters, most cautiously prepared, are made Presbyterian institutions, recognizing our standards of doctrine and polity, though not under any ecclesiastical control.

The *administration* of these seminaries is after different methods, though in some cases the difference is more in name and form than in essential fact.

Princeton seminary is administered by two boards, known as the Board of Directors and the Board of Trustees. The former are elected by the General Assembly in annual classes. The latter, having control of the property, is a *close corporation*, filling its own vacancies. In like manner, the seminaries at Allegheny, Danville and Chicago have each two administrative boards—a Board of Directors and a Board of Trustees.

Lane and Union seminaries have each but one board—a Board of Trustees at Lane, a Board of Directors at Union—by which the property is held and the general control of the seminary is administered, certainly a simpler method, by which all differences of opinion are avoided, such as have arisen and are likely to arise in other seminaries between two separate Boards, one of trust and the other of direction.

That the relations of these several theological seminaries, differing in origin and administration, to the reunited Church should be regarded as a matter of no little delicacy and difficulty, was inevitable. On the one hand, it is obvious that a matter so important as the education of its ministry should in some way be under the supervision and control of the Church, so as to secure the entire and cordial confidence of the Church. On the other hand, there is a liberty and flexibility in the matter which must be respected and allowed. If individuals or associations are disposed to found and endow seminaries of their own, there is no power in the Presbyterian Church to forbid it.

The difficult task of undertaking to reconcile these ideas and principles received the early and careful attention of the joint Committee on Reunion, as appears from one of the concurrent declarations adopted by both Assemblies, providing for the transfer of those seminaries now under the control of the Assembly to the care and control of one or more adjacent Synods, if they should so elect. The object was to allay the apprehensions of any who might imagine that the sudden accession and intermingling of great numbers might overbear those who had hitherto administered those seminaries which had been under the control of one branch of the Church. It was intended as a measure for the maintenance of confidence and harmony, and not as indicating the best method for all future time.

As to any project by which the entire control and administration of all our theological seminaries—for example, as to the election of trustees—

can be transferred to the General Assembly, on any principle of complete uniformity, your Committee regard it as wholly impracticable, and the attempt to accomplish it altogether undesirable. To bring it about, should it be undertaken, would require an amount of legislation, in six or seven different States, which would be portentous.

In some cases alterations of existing charters are impossible, by reason, as in Ohio, of changes in the constitution enacted subsequently to the granting of that charter upon which Lane seminary was incorporated. Surely it would be to the last degree unwise to attempt such alterations in so many charters, putting in jeopardy so large an amount of property, when the object contemplated may be secured in another and better way.

Besides, the intentions and wishes of benevolent men, who have founded and endowed some of these seminaries, and aided others on their present footing, should be honorably and zealously protected.

Your Committee, therefore, would recommend no change, and no attempt at change, in this direction, save such as may safely and wisely be effected under existing charters.

For example, the directors of the seminary at Princeton have memorialized this Assembly, with the request that the Assembly would so far change its "plan" of control over that institution as to give the Board of Directors enlarged rights in several specified particulars, subject to the veto of the General Assembly.

Your Committee are unanimously of the opinion that the changes asked for are eminently wise and proper. If it were within the power of the General Assembly to remit the entire administration of this venerable institution to its Board of Directors, without any of the restrictions they have mentioned as to the supply of their own vacancies, they would cordially recommend it. But inasmuch as the endowments of this seminary are held on the condition that it should be the property and under the control of the General Assembly of the Presbyterian Church in the United States, that trust cannot be vacated nor transferred to any other body. The method desired and proposed by the directors themselves is open to no such objection, and is believed to be quite within the provisions of the law as now defined, being only a convenient and wise mode of executing by the General Assembly itself the trust which it now holds.

A memorial has been presented to this Assembly from the directors of Union theological seminary, in New York, bearing upon the point of uniformity as to a certain kind and amount of ecclesiastical supervision.

It had appeared to them—many of them having taken an active part in founding that seminary thirty-three years ago, in a time, as already noticed, of memorable excitement—that there were great disadvantages and perils in electing professors and teachers by the Assembly itself, without sufficient time or opportunity for acquaintance with the qualifications of men to be appointed to offices of such responsibility.

It is self-evident, as your Committee are agreed, that a body so large as the General Assembly, and composed of men resident, most of them, at so great a distance from the several seminaries, is not so competent to arrange for their interests and usefulness as those having local and personal intimacy with them. Desirous of bringing about as much uniformity as was possible in the relation of the seminaries to the General Assembly of the Church, the directors of Union seminary have memorialized this Assembly to the effect that the Assembly would commit, so far as practicable, the general administration of all seminaries now under the control of the

Assembly to their several Boards of Directors, proposing, if this be done, to give to the General Assembly what it does not now possess—the right of veto in the election of professors at Union. In this generous offer, looking solely to the peace and harmony of the Church, the memorialists did not include the same veto in regard to the election of their own directors, inasmuch as these directors hold the property of the seminary in trust. The trustees of Princeton seminary, being one of two Boards, are a close corporation. The directors of Union seminary in New York, being but one Board, are the trustees.

Leaving all the diversities of method and administration in the several seminaries intact, save in the particulars hereinafter provided for, your Committee are happy to report that there is one mode of unifying all the seminaries of the Presbyterian Church as to ecclesiastical supervision, so far as unification is in any way desirable. It is the mode suggested in the several memorials of the directors of Union and Princeton, and approved, or likely to be approved, from information in our possession, by the directors of Auburn and Lane. This is to give to the General Assembly a *veto* power upon the appointment of professors in all these several institutions. This seems to your Committee to secure all the uniformity, as to the relation of these seminaries to the Church, which can be necessary to ensure general confidence and satisfaction. Less than this might excite jealousy, more than this is cumbersome and undesirable.

Your Committee, in accordance with these views, report the following plan and resolutions:

1. Accepting the offer so generously made by the directors of the Union theological seminary, in New York—a seminary independent hitherto of all direct ecclesiastical control—to invest the General Assembly, with the right of a *veto* in the election of professors in that institution, this Assembly would invite all those theological seminaries not now under the control of the General Assembly to adopt at their earliest convenience the same rule and method, to the end that, throughout the whole Presbyterian Church, there may be uniform and complete confidence in those entrusted with the training of our candidates for the ministry.

2. That the several Boards of Directors of those seminaries which are now under the control of the General Assembly shall be authorized to elect, suspend and displace the professors of the seminaries under their care, subject in all cases to the *veto** of the General Assembly, to whom they shall annually make a full report of their proceedings, and to whom their minutes shall be submitted whenever the Assembly shall require them to be produced. These Boards shall further be authorized to fix the salaries of the professors, and to fill their own vacancies, subject in all cases to the veto of the General Assembly.

3. *Resolved*, That a Committee of five be appointed by the Assembly to propose such alterations in the "plans" of the seminaries now under the control of the Assembly as shall be deemed necessary to carry into effect the principles above stated, and that said Committee report to this or to the next succeeding Assembly.

4. In case the Board of Directors of any theological seminary now under the control of the General Assembly should prefer to retain their present relation to this body, the plan of such seminary shall remain unaltered.—1870, pp. 50–64.

The following report details the progress of the plan for uniformity in the relations of the seminaries to the Assembly:

* For time within which the veto may be exercised, see below, 7, 1871, p. 581.

II. AUBURN THEOLOGICAL SEMINARY.

At the annual meeting of the trustees and commissioners of the theological seminary at Auburn, May 11, 1871, it was

Resolved, That the Boards of commissioners and trustees of the Auburn theological seminary are anxious to comply with the proposal of the last General Assembly to submit the election of professors in this institution to the concurrence of that body, and that a joint Committee be appointed to consider whether the proposal of the General Assembly can be complied with without a change of the charter of this seminary; and if in the judgment of this Committee such a change in the charter is necessary, the Prudential Committee is hereby authorized to apply to the coming Legislature in the name of these two Boards to make it.

They further intimate that one of the embarrassments in their action was that no time was fixed for the action of the General Assembly in the exercise of their proposed veto power.—1871, p. 579.

III. THE WESTERN THEOLOGICAL SEMINARY.

At a meeting of the Board of Directors of the Western theological seminary, October 14, 1870, it was

Resolved, That we accept the powers and authority offered by the action of the General Assembly to the theological seminaries now under the control of the General Assembly, as contained in the second resolution of the report of the Committee on Theological Seminaries, recorded on page 63 of the minutes of 1870.—1871, p. 579.

Plan of the Western Seminary.

INTRODUCTION.

With alterations, as in *Baird's Digest*, p. 427, Rev. Ed., p. 434. See above, under Princeton seminary, xiv., sec. iii.

ARTICLE I.—*Of the General Assembly.*

SEC. 1. As this institution derives its origin from the General Assembly, that body is to be considered its patron and the fountain of its power.

SEC. 2. The Board of Directors shall have the immediate control of the seminary.

SEC. 3. (Now Section 4.)

ARTICLE II.—*Of the Board of Directors.*

SEC. 1. The Board of Directors shall consist of forty members—twenty-eight ministers and twelve ruling elders—one-fourth to be chosen annually, and shall have power to fill any vacancies which may hereafter occur in the body, subject always, however, to the veto of the General Assembly, the election to be at the regular annual meeting.

SEC. 2. The Board of Directors shall have power to elect the professors and to remove them from office, such election and removal to be subject to the veto of the General Assembly. The said Board shall also have power to suspend temporarily a professor preliminary to and pending an investigation of charges against his life or doctrine.

SECS. 3, 4, 5, 6, 7, 8, 9, 10 and 11 to consist of Sections 1, 2, 3, 4, 7, 8, 9, 11 and 12, as in *Baird's Digest*, pp. 413 and 414; *except*,

SEC. 3. Strike out the clause requiring the president or one of the vice presidents to be necessary to constitute a quorum.

SEC. 5. Strike out "twenty days," and insert "ten days."

SEC. 6. Strike out "annually," and insert "when required."
SEC. 7. Strike out "or by the order of the General Assembly."
SEC. 11. Strike out the last clause.

ARTICLE III.—*Of the Professors.*

SEC. 1. The number of professors in the seminary shall be increased or diminished as the Board of Directors shall from time to time direct.
SECS. 2 and 3. (As now.)
SEC. 4. The salaries of the professors shall be fixed by the Board of Directors.
SECS. 5, 6, 7, 8 and 9 to consist of 6, 8, 9, 10 and 12.—*Baird's Digest*, pp. 415 and 416.

ARTICLE IV.—*Of Study and Attainments.*

ARTICLE V.—*Of Devotion and Improvement in Practical Piety.*

ARTICLE VI.—*Of the Students.*

ARTICLE VII.—*Of the Funds.*

SEC. 1. The Board of Directors shall exercise all the control of the funds belonging to this institution hitherto exercised by the General Assembly, as far as this can be done consistently with the will of the testators and donors, such as fixing the salaries of the professors, regulating the amount required for the endowment of scholarships and professorships, and keeping sacred and distinct the different funds already created, or to be hereafter created, for the specific objects for which they are given.
SEC. 2. All matters relating to the finances, except the fixing the salaries of the professors, the extent of endowment and the aid of students, shall be by the Board of Directors submitted to the Board of Trustees of the seminary for their approval.
SEC. 3. Fair and full statements shall be annually presented to the General Assembly by the Board of Directors or by the trustees of the amount of funds belonging to the seminary, of the items which constitute that amount, and of the receipts and expenditures in detail for the preceding year.
SECS. 4 and 5 to consist of sections 5 and 6 (*Baird's Digest*, p. 418), excepting to insert "unless otherwise directed" after the words "endowed them," in Section 4.

ARTICLE VIII.—*Of the Board of Trustees.*

SEC. 1. The Board of Trustees of the Western theological seminary, as incorporated by the Legislature of the State of Pennsylvania, consists of thirty members, to be elected by the General Assembly when meeting in the State of Pennsylvania, and no more than one-third to be changed in any one year.
SEC. 2. To the trustees is committed the custody and disbursement of the funds of the institution for the purposes for which appropriated by the donors, or according to the plan of the seminary.
SEC. 3. The Board of Trustees shall meet twice in each year, in April and November, at such times as may be designated, and oftener on their own adjournment or the call of the president.
SEC. 4. The officers of the Board shall consist of a President, Vice President, Secretary and Treasurer, to be chosen annually at the spring meeting of the Board, to continue in office till their successors are elected.—1872, pp. 113–115.
Adopted by the Assembly.—1872, p. 59.

c. A Change of Name Authorized.

The following resolution also was adopted:

Resolved, That the directors and trustees of the Western Theological Seminary be and they are hereby authorized to change the name of the seminary to the Allegheny or Pittsburg theological seminary, and to obtain the necessary legislation, if in their judgment the same be expedient.—1872, p. 93.

IV. LANE THEOLOGICAL SEMINARY.

The Board of Trustees of the Lane theological seminary report that they have most cordially adopted this plan by the following action:

Every election of a professor in this institution shall be reported to the next General Assembly; and if said Assembly shall by vote express its disapprobation of the election, the professorship in question shall be *ipso facto* vacant from and after such vote of the General Assembly, it being understood that in such case it is not the pleasure of this Board that such professor shall continue in office.—1871, p. 580.

V. UNION THEOLOGICAL SEMINARY.

a. A communication was received by the Rev. William Adams, D. D., from the directors of the Union theological seminary in the city of New York, proposing on certain terms to place their institution under the care of the General Assembly.

A communication was also received from the directors of the theological seminary at Princeton, asking that the change contemplated in the above communication may be made, and proposing other matters of interest to the seminary.

These communications were referred to the Standing Committee on Theological Seminaries.—1870 p. 17.

The Committee subsequently reported *inter alia*, as follows:

b. Your Committee, in accordance with these views, report the following plan and resolutions:

Accepting the offer so generously made by the directors of the Union theological seminary in New York—a seminary independent hitherto of all direct ecclesiastical control—to invest the General Assembly with the right of a *veto* in the election of professors in that institution, this Assembly would invite all those theological seminaries not now under the control of the General Assembly to adopt at their earliest convenience the same rule and method, to the end that throughout the whole Presbyterian Church there may be uniform and complete confidence in those entrusted with the training of our candidates for the ministry.—1870, p. 63.

c. Memorial of the Directors of Union Theological Seminary in the City of New York to the General Assembly of the Presbyterian Church in the United States of America, New York, May 18, 1870.

Whereas, In the recent negotiations for reuniting the two branches of the Presbyterian Church, great importance was attached to some uniform system of ecclesiastical supervision over the several theological seminaries of the denomination; and

Whereas, The directors of the Union theological seminary in New York—an institution founded before the disruption of the Presbyterian Church, belonging exclusively to neither of its branches, and administered upon its own independent charter—are desirous of doing all in their power

to establish confidence and harmony throughout the whole Church, in respect to the education of its members; and

Whereas, It has appeared to many, and especially to those who took an active part in founding the Union theological seminary, that there are many disadvantages, infelicities, not to say at times perils, in the election of professors of those seminaries directly and immediately by the General Assembly itself—a body so large, in session for so short a time, and composed of members to so great an extent resident at a distance from the seminaries themselves, and therefore personally unacquainted with many things which pertain to their true interest and usefulness—therefore, be it

Resolved, That the Board of directors of the Union theological seminary in the city of New York, being all of them ministers or members of the Presbyterian Church, do hereby memorialize the General Assembly to the following effect, viz.: That the General Assembly may be pleased to adopt it as a rule and plan, in the exercise of the proprietorship and control over the several theological seminaries, that so far as the election of professors is concerned the Assembly will commit the same to their respective Boards of Directors on the following terms and conditions:

First, That the Board of Directors of each theological seminary shall be authorized to appoint all professors for the same.

Second, That all such appointments shall be reported to the General Assembly, and no such appointment of professor shall be considered as a complete election if disapproved by a majority vote of the Assembly.

And further be it resolved, That the Board of Directors of the Union theological seminary in the city of New York, persuaded that the plan proposed in the memorial will meet the cordial approval of the patrons, donors and friends of all these seminaries, and contribute to the peace and prosperity of the Church, do hereby agree, if the said plan shall be adopted by the General Assembly, that they will agree to conform to the same, the Union seminary in New York being in this respect on the same ground with other theological seminaries of the Presbyterian Church.—1870, pp. 148, 149.

The Assembly complied with this request. See pp. 60–64.

VI. DANVILLE THEOLOGICAL SEMINARY.

Danville.—The Board of Directors cordially approve the plan of the General Assembly as to harmonious operations of all the theological seminaries within their jurisdiction, and simply ask further time to perfect the same in their relations to the Assembly. To effect this a Committee has been appointed to investigate the whole subject, and to report to the directors at their next meeting whether they can legally adopt the plan of the Assembly.—1871, p. 580.

In 1872 they report that changes made at this time might affect legal rights, but "that by another year these changes may be safely made."—1872, p. 120.

The Board of Directors of the theological seminary of Danville, Ky., make the following annual report to the General Assembly:

The difficulties in the way of our adopting the plan of control recommended by the Assembly being removed, we are now prepared to adopt said plan, and suggest the following necessary changes in the present plan of the seminary:

AMENDMENTS TO THE PLAN OF THE DANVILLE THEOLOGICAL SEMINARY.

Second Article. Amend section third, paragraph first, so as to read as follows: "As this institution derives its origin from the General Assembly, that body is to be considered its patron and the fountain of its powers, and it shall be conducted under the authority, oversight and care of the General Assembly."

Third Article. Amend by substituting the following instead of paragraphs first and second of section first: "1. The Board of Directors, as constituted at the expiration of the sessions of the General Assembly of 1873, and their successors appointed in the manner hereafter provided for, shall have the immediate control of the seminary, and are authorized to exercise all the control of the funds belonging to the institution hitherto exercised by the Assembly, as far as can be done consistently with the will of the testators or donors, and consistently with the objects and purposes of the covenants and agreements referred to in the plan of the seminary, the exercise, however, of such control of the funds by the Board of Directors hereby authorized being always subject to the veto of the General Assembly. But all matters relating to finance, such as fixing the salary of professors and the extent of aid to be given to students, shall be submitted by the Board of Directors to the trustees of the seminary for their approval.

The true and only intent and meaning of the amendments and changes now made in the plan of the seminary are, through the enlarged powers of general administration herein conferred upon the Board of Directors, to provide a more convenient and effective mode of executing by the General Assembly, through said Board, the trust it now holds in reference to the seminary and its funds, and to increase by a more efficient local administration the usefulness of the institution for the purposes for which it was established.

The Board of Directors shall consist of thirty members, of whom one-half shall be ministers of the gospel, and the other half ruling elders in good standing in the Presbyterian Church in the United States of America.

These directors shall be divided into three sections of ten persons each, one-half of each section being ministers of the gospel and the other half ruling elders, and one of these sections of ten persons shall be elected by the Board of Directors and all vacancies filled in the other two sections at each annual meeting of the Board, in such manner that each section shall serve three years and until their successors are elected, and the third part of the whole Board shall be elected every year. The form of the election shall be as the Board shall from time to time prescribe, and all these elections shall be subject to the veto of the General Assembly, to which body they shall be reported at its next meeting thereafter. The members of the Board appointed by the General Assemblies of 1871, 1872 and 1873 shall serve out the terms for which they were respectively appointed, and the first election by the Board itself shall be made at the annual meeting in 1874 to fill all vacancies that may exist at that time in its body.

In section first, paragraph third, omit all after the word "*vacant*" in last line but one of the paragraph, and in the next paragraph substitute *six* for "*nine*" at the beginning of the third sentence, and add the words "*not specially excepted*" after the word "business," at the end of that sentence.

Transfer paragraph first of section second to the end of the article, and substitute in its place the following: "2. The Board of Directors

shall have power to elect the professors, and to remove them from office, such election and removal being subject to the veto of the General Assembly. The said Board shall also have power to suspend temporarily a professor, preliminary to and pending an investigation of charges against his life or doctrine. In the event of a vacancy in any chair of the seminary, they may employ any suitable person to give instruction temporarily in the vacant department, and they may also, upon the recommendation of the Faculty of the seminary, engage the services of any suitable person to give occasional instruction to the pupils upon any particular subject.

In section third, paragraph first, line first, strike out the word "*especially.*"

In section fourth, omit paragraphs second, third and fourth.

In section fifth, paragraph second, line first, substitute *six* for "*nine,*" and in the following paragraph strike out the word "*particular*" in the first line, and in the fifth substitute the word "*filled*" for the words "*brought to the notice of the Assembly.*"

Fourth Article. Instead of the first two paragraphs of section first, substitute the following:

1. The professors of this seminary shall be elected by the Board of Directors at any of their regular meetings, or at a meeting specially called for that purpose, and of which due notice shall have been given. The manner of the election shall be as the Board shall deem proper at the time.

They shall hold their respective offices during the pleasure of the Board of Directors. But a quorum of the Board competent to dismiss a professor shall consist of not less than one-half of all the members.

In section second, paragraph first, line second, substitute "*Board of Directors*" for "General Assembly," and in the third line "*Board shall*" for "Assembly will," and in the last paragraph of the same section strike out after the word "unless," so that the clause will read, "*unless by the consent of the Board of Directors in some lawful meeting.*"

Instead of section third, paragraph first, substitute the following:

3. The professors shall be of equal rank and authority one with another. But when they meet as a Faculty, and when they act jointly upon any occasion, the senior professor present shall preside, and he shall perform, in the name of the whole, all joint official acts. If two or more professors were elected at the same time, the one longest in the ministerial office shall be considered the senior one of them. The Faculty shall elect one of their number to act as their stated clerk, who shall perform the duties proper to that office.

To paragraph second of section third add the following words: "*the presiding professor having always a right to vote,*" and in the following paragraph, line third, insert "*advisory*" between the words "joint" and "oversight."

In section fourth, paragraph first, line first, substitute "*Board of Directors*" for "Assembly," and in the third line "*said Board*" for "the Assembly," and from the enumeration of subjects assigned to the chair first named, strike out the word "Exegetical," and change the title of the chair named last to "*Biblical Literature and Exegetical Theology.*"

To paragraph fourth of section fifth add the following sentence: "Moreover, they shall always meet as a Faculty at the request of any member, whose duty it shall then be to notify his fellow-members of his desire for such a meeting."

For paragraph third, section seventh, substitute the following:

"It shall be the duty of the professors, under the direction of the Board

of Directors, to supply the pupils of the institution with the preaching of the gospel and the administration of the sacraments of the Christian Church, if this supply shall not, in the judgment of the directors, be satisfactorily furnished by some neighboring church or churches."

For paragraph first, section ninth, substitute the following: "The salaries of the professors shall be fixed by the Board of Directors."

In the first line of the following paragraph strike out the words "further" and "same," and insert the words "*of* 1853" after the word "Assembly."

At the end of the article add the following as an additional section:

"10. No professor shall be a member of either the Board of Directors or the Board of Trustees, and the acceptance of a professorship by any member of either of the Boards named shall be regarded as *ipso facto* the resignation of his seat therein."

Seventh Article. In the second section strike out all after the word "begin" in the fourth line, and insert in place thereof the following: "On the first Thursday in September, and terminate on the last Thursday in April, with a short recess at the discretion of the Faculty about Christmas."—1873, pp. 592, 594.

Action on the Report.

Reports have been received from the directors and trustees of this institution. The directors report that, the difficulties in the way of their adoption of the plan of control recommended by the Assembly being removed, they have approved and adopted said plan, subject to the approval of the Assembly. The necessary changes in the present plan of the seminary are presented, and after close and careful scrutiny of them the Committee recommend to the Assembly that they be approved, and that the guardianship and control of the Danville theological seminary be remitted to the Board of Directors as soon as the existing vacancies shall have been filled, the Assembly being still considered as the patron of the seminary and the fountain of its powers, and retaining a veto power in the election of its directors and professors, and over all the acts of the directors in financial affairs.—1873, pp. 530, 531.

VII. NORTH-WESTERN THEOLOGICAL SEMINARY.

a. 3. The Board of Directors of the North-western theological seminary report, . . . "In regard to the relations of the seminary to the General Assembly, the Board, finding that there are legal points involved in this question which require careful investigation, referred the whole matter to a Committee, with instructions to report to the directors at their next annual meeting in April, 1872."—1871, p. 580.

b. The following Plan of the Seminary was approved by the Assembly. —1872, p. 62.

In regard to the relation of the seminary to the General Assembly, the Board have carefully considered the same; and with entire unanimity, and with the consent and approval of Mr. McCormick, have adopted a report and resolutions, not only approving of the principles of the request and suggestion of the Assembly, but embodying the necessary amendments to the constitution in form, and requesting the Assembly to adopt them. The resolutions and amendments are as follows, viz.:

The Committee on the relations of the seminary to the General Assembly presented their report, through the Hon. Samuel M. Moore, as follows:

Your Committee, to whom was referred the propriety of suggesting such amendments and changes of the constitution of our seminary as may bring the same in harmony with the expressed views of the General Assembly of the Presbyterian Church in the United States of America, would report that they have considered the matter, and that they find no objections thereto. They understand that the generous and Christian-spirited donor of the only portion of our property and funds that is held subject to the continuance of the relations of the seminary to the General Assembly consents that the management and control may be transferred to the Board of Directors, the Assembly reserving the right to disapprove and forbid in certain matters. We believe the change will redound to the benefit and efficiency of the seminary.

Therefore, your Committee recommend the adoption of the following resolutions by this Board, to wit:

Resolved, That this Board respectfully request the General Assembly of the Presbyterian Church in the United States of America to consider and adopt the following amendments and changes of the constitution of the Presbyterian theological seminary of the North-west, viz.:

1st. The second, tenth and eleventh articles of said constitution are hereby stricken out.

2d. Sections one, two, three, thirteen and fourteen of the third article are hereby stricken out; and in lieu of said sections one, two and three, the following are substituted and adopted, to wit:

Sec. 1. The Board of Directors shall consist of twenty ministers and twenty ruling elders, of whom one-fourth, or five ministers and five elders, shall be chosen by said Board annually, to continue in office four years and until their successors are elected and qualified. And the Board shall also have power to receive resignations and declinatures, and to fill all vacancies which may occur in its body. All of these elections, however, shall be subject to the *veto* of the General Assembly, to which they shall be reported at its next meeting.

Sec. 2. The Board of Directors shall have power to elect and duly induct and inaugurate into office the professors of the seminary, and to receive their resignations; also to remove them from office, such elections and removals to be subject to the *veto* of the General Assembly. The Board shall also have power to suspend, temporarily, a professor, preliminary to and pending an investigation of charges against his conduct or doctrine.

Sec. 3. The Board of Directors shall have the superintendence and control of the seminary and its funds and property.

3d. Articles three, four, five, six, seven, eight and nine are hereby so changed as to be known and designated as articles two, three, four, five, six, seven and eight respectively.

4th. The following is substituted for sub-section three of section twelve, in article three:

3. To make annually to the General Assembly, in writing, a full and faithful report of the whole state of the seminary, and of the transactions of the Board, and also to submit their records, when required, for the inspection of the Assembly.

5th. The following is adopted and designated as

Article Nine.

This constitution may be altered or amended by a vote of three-fourths of the directors present and voting at a regular annual meeting of the

Board, such alterations or amendments to take effect and be in force only when the same shall be approved by the General Assembly.

Resolved, That directors heretofore appointed whose terms of service have not expired shall serve until the end thereof and until their successors are elected and qualified. And directors appointed by the present General Assembly shall serve as if elected and appointed by the Board of Directors.

All of which is respectfully submitted.

(Signed) R. W. Patterson,
S. M. Moore,
H. G. Miller.

This report was accepted, considered and adopted.

Respectfully submitted by order of the Board of Directors.

S. M. Moore, *Chairman Executive Committee.*

—1872, pp. 124–126.

VIII. GERMAN THEOLOGICAL SCHOOL, NEWARK, N. J.

The Board of Directors of the German theological school, Newark, N. J., report that the requirements of the Assembly were met by the procurement of a charter, in which the following provisions were inserted: "The first Board of Directors of said corporation shall be divided into three classes, to be numbered one, two and three; the term of the first shall expire in one, the second in two and the third in three years from the first day of May last." . . . "Each class of directors shall hereafter be chosen for and hold their office during three years, and until a new election to supply the place of such class." The election of three directors to fill vacancies "at the stated spring meeting shall be subject to review at the next General Assembly; . . . and in case the said General Assembly shall disapprove of such election, the office of the director or directors disapproved of shall thereupon become vacant." The provisions with respect to the relations of the regularly appointed professors the Board propose to incorporate in the constitution of the school.—1871, p. 580.

IX. GERMAN THEOLOGICAL SCHOOL OF THE NORTH-WEST.

The constitution of the German theological seminary of the North-west, at Dubuque, Iowa, prescribes that . . . "it shall be hereafter the duty of the Board itself to fill the vacancies occurring in their number, whether by expiration of term of office, by resignation, death or otherwise. Said election, however, shall only be deemed valid, and those elected enter upon their office, after approval by the General Assembly." Also, "The Board of Directors . . . shall establish the professorships and appoint the professors and instructors, . . . and always subject to the approval and control of the General Assembly."—1871, p. 580.

X. LINCOLN UNIVERSITY, THEOLOGICAL DEPARTMENT.

Lincoln University.—Since the last meeting of the General Assembly the charter of Lincoln university has been so amended, by special act of the Legislature of Pennsylvania, as to place the theological department of that institution under the care of the General Assembly, in accordance with the general plan adopted for the supervision of theological seminaries.

Resolved, That the General Assembly accept the oversight of the the-

ological department of Lincoln university, as provided in the amended charter of that institution, and approve the appointments and proceedings of the Board of Trustees as reported at this time.—1871, p. 581.

XI. SAN FRANCISCO SEMINARY.

The Synod of the Pacific resolved upon the immediate organization of this seminary at its session in Oakland, Cal., in 1871. San Francisco was selected as a suitable location. Fifteen persons were elected directors, viz.:

Ministers—Rev. William A. Scott, D. D., Thomas M. Cunningham, D. D., William W. Brier, Aaron L. Lindsley, D. D., Daniel W. Poor, D. D., Sylvester Woodbridge, D. D., Albert F. White, LL.D., William Alexander, and Edward B. Walsworth, D. D.

Elders—Hon. H. P. Coon, S. Franklin, C. W. Armes, A. Hemme, S. I. C. Sweezey, and R. J. Trumbull.

This Board was organized November 7th, 1871, the Rev. William A. Scott, D. D., being appointed president. The directors were divided into three classes by lot.

The following were elected as a provisional faculty:

Rev. William A. Scott, D. D., Professor of Mental Science, Moral Philosophy and Theology.

Rev. George Burrowes, D. D., Professor of Hebrew and Old Testament Literature.

Rev. Daniel W. Poor, D. D., Professor of Biblical and Ecclesiastical History.

Rev. William Alexander, Professor of Biblical Greek and New Testament Literature.

The plan of the seminary is entirely in conformity with the pattern of the older and approved institutions of the Church. The directors ask to be received under the care of the Assembly, and in all matters to receive its sanction, in accordance with the action of the Assembly of 1870, as recorded on page 63 of the printed Minutes.

Four students have been in attendance upon the instruction of the professors this the first year.

Your Committee recommend,

1. The approval of the action of the Synod of the Pacific coast in the organization of the seminary at San Francisco.

2. The confirmation of the appointment of the Board of Directors.

3. The acceptance of the seminary, as so organized, under the care and supervision of the Assembly.—1872, p. 64.

XII. BLACKBURN UNIVERSITY.

The trustees of Blackburn university, at their annual meeting, held in June, 1871, adopted the plan recommended by the Assembly of 1870, by incorporating into the constitution of the university the following section: "Whenever hereafter any person shall be elected by the trustees to fill any professorship in the theological department of the university, the trustees shall report their election to the next General Assembly of the Presbyterian Church in the United States; and if the General Assembly at that meeting shall, by formal vote, refuse to approve of such election, then the person elected by the trustees shall cease to be a professor."

The following additional facts respecting Blackburn university will be of interest to this Assembly:

The institution was founded by Rev. Gideon Blackburn, D. D., who, in the year 1838, conveyed to a Board of Trustees several thousand acres of land, for the purpose of founding "an institution of learning, the object of which shall be to promote the general interests of education, and to qualify young men for the office of the gospel ministry." The institution was located at Carlinville, Ill.

The trustees were incorporated in the year 1857 by the Legislature of Illinois, with the name of "The Blackburn Theological Seminary," and at about the same time an academic department was established. In A. D. 1867, the institution was organized as a university, and the following year its corporate name was changed by the Legislature to that of "Blackburn University." The Board consists of thirteen members, who must be residents of the State of Illinois. At least nine of this number must "be chosen from among persons who are regular members of the Presbyterian Church; and if any trustee thus chosen shall, at any time, cease to be a regular member of the Presbyterian Church, he shall, *ipso facto*, cease to be a trustee."

Every professor appointed in the theological department, also every professor in the collegiate department, whose professorship shall include mental or moral science or metaphysics, and also the president of the university, are required, before they can enter upon the duties of their office, to subscribe their names to the following declaration:

"I do hereby avow my sincere belief in the Bible as the word of God, and in the system of doctrines contained in the *Westminster Confession of Faith* as the system which accords with the word of God; and I do solemnly pledge myself, in all my duties as an instructor and officer in Blackburn university, never knowingly to teach anything in conflict with such system of doctrines."

Every other professor or instructor in any department is required also to affirm his "belief in the Bible as the word of God."

Thus every department of instruction is secured from all danger from infidel teachings.

In view of these facts, your Committee gladly commend the Blackburn university to the Presbyterian Church, and recommend that it be recognized and reported as one of the institutions in connection with the General Assembly. Adopted.—1872, p. 65.

7. Limitations of the Time within which the Assembly may exercise its Veto in the Election of a Professor.

That the Assembly declare that the true meaning of the act subjecting the election of a professor to the veto of the Assembly is that such election be reported to the next General Assembly thereafter; and if not *vetoed* by that Assembly, the election shall be regarded as complete, according to the plan ratified by the Assembly of 1870; see Minutes, pp. 64, 65, 148.—1871, p. 581.

IV. Because it is highly reproachful to religion and dangerous to the Church to entrust the holy ministry to weak and ignorant men, the Presbytery shall try each candidate as to his knowledge of the Latin language and the original languages in which the holy Scriptures were written. They shall also examine him on the arts and sciences, on theology, natural and revealed, and on ecclesiastical history, the sacraments and church government. And in order to make

trial of his talents to explain and vindicate, and practically to enforce the doctrines of the gospel, the Presbytery shall require of him—

1. A Latin exegesis on some common head in divinity.

2. A critical exercise, in which the candidate shall give a specimen of his taste and judgment in sacred criticism, presenting an explication of the original text, stating its connection, illustrating its force and beauties, removing its difficulties and solving any important questions which it may present.

3. A lecture or exposition of several verses of Scripture; and,

4. A popular sermon.

[On the waiving a liberal education in certain cases, see above, III., 3, *a*, *b*.]

V. These, or other similar exercises, at the discretion of the Presbytery, shall be exhibited until they shall have obtained satisfaction as to the candidate's piety, literature and aptness to teach in the churches. The lecture and popular sermon, if the Presbytery think proper, may be delivered in the presence of a congregation.

That the Presbyteries be required to see that the candidates for licensure be well versed in the Catechisms and well furnished with Scripture proof texts. Adopted.—1868, p. 654, O. S.

VI. That the most effectual measures may be taken to guard against the admission of insufficient men into the sacred office, it is recommended that no candidate, except in extraordinary cases, be licensed unless, after his having completed the usual course of academical studies, he shall have studied divinity at least two years under some approved divine or professor of theology.

1. Effort to Extend the Time of Study to Three Years.

a. On motion, *Resolved*, That it be recommended to the several Presbyteries of this Church to consider whether it would be proper to extend the time necessary for young men to apply to the study of divinity before they be taken on trials to three years at least, and to send up a report of their opinion to the next General Assembly.—1792, p. 60.

[No action of Presbyteries is reported.]

Rule of a Lower Judicature Unconstitutional.

b. The records (of the Synod of New York and New Jersey) were approved, except a vote of that Synod by which they determine it to be constitutional for that Synod to enact, "That, in future, candidates who have the gospel ministry in view be required to attend to the study of divinity at least three years before licensure," which vote was determined by the Assembly to be unconstitutional.—1792, p. 59.

c. Overture Sent Down, but not Adopted.

Overture No. 6 was taken up, viz.: Requests from several Presbyteries that the sixth section of chapter xiv. of our Form of Government might

be sent down to the Presbyteries to be so altered as to read "to study theology at least *three* years, etc." The overtures were read, and it was resolved that the proposed alteration be sent down as an overture to the Presbyteries, and that the Presbyteries be required to send up their answer to this overture in writing to the next General Assembly.—1835, p. 475.

[To this overture, in 1836, *thirty-five* answered in the affirmative and *twenty* in the negative. Not a majority. The overture was again referred to the Presbyteries, and in 1837 *fifty-two* Presbyteries reported in favor and *thirty-eight* against. Still not a majority, and the matter was dropped.—1836, p. 276; 1837, p. 438.]

2. Full Term of Three Years Urgently Recommended.

a. Resolved, That this Assembly entirely concur in the opinion expressed in the report of the Board of Directors of the theological seminary at Princeton, that it is highly important that theological students continue the full time of three years in the seminary, and complete the whole course of studies prescribed in the plan.—1834, p. 437.

b. Resolved, 1. That this Assembly do approve of the resolution passed by the Board of Directors at their late meeting, with a view of securing the attendance of students during a full course of theological instruction in our seminary.

Resolved, 2. That the Assembly notice with regret the prevalence of what they deem a serious evil, not only to the seminary, but to the Church at large, in the number of students who annually leave the institution before the prescribed course of studies is completed. And they do earnestly recommend to the students, if practicable, to continue the full time prescribed in the plan.—1826, p. 179.

c. Resolved, That in the opinion of this house it is in general highly inexpedient for candidates for the ministry to apply for licensure at such a period of their course of study as would prevent them from finishing the three years' plan of studies adopted and approved by former Assemblies.—1843, p. 187, O. S.

3. A Pledge to a Three Years' Course not Unconstitutional.

Resolved, That the General Assembly are deeply impressed with the importance of a thorough course of theological study, and would earnestly recommend to their Presbyteries to elevate the standard of education, and that the rule of the Board of Education does not conflict with the Constitution when it prescribes the time of study, inasmuch as the Constitution makes two years the shortest time allowed to complete the course of theological study, but does not prescribe the maximum.—1844, p. 375, O. S.

VII. If the Presbytery be satisfied with his trials, they shall then proceed to license him in the following manner: The moderator shall propose to him the following questions, viz.:

1. Do you believe the Scriptures of the Old and New Testaments to be the word of God, and only infallible rule of faith and practice?

2. Do you sincerely receive and adopt the Confession of Faith of this Church as containing the system of doctrine taught in the holy Scriptures?

3. Do you promise to study the peace, unity and purity of the Church?

4. Do you promise to submit yourself in the Lord to the government of this Presbytery, or of any other Presbytery in the bounds of which you may be called?

VIII. The candidate having answered these questions in the affirmative, and the moderator having offered up a prayer suitable to the occasion, he shall address himself to the candidate to the following purpose: "In the name of the Lord Jesus Christ, and by that authority which he hath given to the Church for its edification, we do license you to preach the gospel wherever God in his providence may call you, and for this purpose may the blessing of God rest upon you and the Spirit of Christ fill your heart! Amen." And record shall be made of the licensure in the following or like form, viz.:

At the day of the Presbytery of having received testimonials in favor of of his having gone through a regular course of literature, of his good moral character, and of his being in the communion of the Church, proceeded to take the usual parts of trial for his licensure; and he having given satisfaction as to his accomplishments in literature, as to his experimental acquaintance with religion, and as to his proficiency in divinity and other studies, the Presbytery did, and hereby do, express their approbation of all these parts of trial; and he having adopted the Confession of Faith of this Church, and satisfactorily answered the questions appointed to be put to candidates to be licensed, the Presbytery did, and hereby do, license him, the said , to preach the gospel of Christ as a probationer for the holy ministry within the bounds of this Presbytery or wherever else he shall be orderly called.

Is it right for a clerk of Presbytery, in recording the licensure of a candidate, to use any other form than that prescribed in the book?

Answered in the affirmative. See above: "And record shall be made of the licensure in the following *or like form*."—1866, p. 54, O. S.

IX. When any candidate for licensure shall have occasion, while his trials are going on, to remove from the bounds of his own Presbytery into those of another, it shall be considered as regular for the latter Presbytery, on his producing proper testimonials from the former, to take up his trials at the point at which they were left and conduct them to a conclusion in the same manner as if they had been commenced by themselves.

X. In like manner, when any candidate, after licensure, shall, by the permission of his Presbytery, remove without its limits, an extract of the record of his licensure, accompanied with a presbyterial recommendation, signed by the clerk, shall be his testimonials to the Presbytery under whose care he shall come.

XI. When a licentiate shall have been preaching for a considerable time and his services do not appear to be edifying to the churches, the Presbytery may, if they think proper, recall his license.

1. Limitation of the Time to which a License shall Extend to Four Years.

Overture No. 19, from the Synod of Philadelphia, asking the Assembly to define more explicitly the relations of Presbyteries to their licentiates. Also No. 20, from the Presbytery of Philadelphia, North, and No. 21, from the Presbytery of Northumberland, on the same subject.

The Committee recommend the Assembly to adopt the following rules:

1. Every license to preach the gospel shall expire at the end of the period of four years, unless the candidate holding the same shall, before the expiration of that time, be called to permanent labor in the work of the Church. But the Presbytery under whose care such licentiate may be may, in its discretion, extend his license for the period of one year.

2. The Presbyteries are enjoined to take the oversight of their licentiates and their vacant churches, bringing in the one for the supply of the other, and, through the Home Missionary Committees of the Synods to which the Presbyteries belong, to seek to introduce their candidates to the widest fields of labor, and to furnish them full opportunity of practically showing their fitness for the Christian ministry.

Adopted.—1872, p. 87.

2. The above Rule does not Abridge the Power of the Presbyteries to License in Extraordinary Cases.

The Standing Committee on the Polity of the Church reported—

1. A memorial from the Presbytery of Columbus, asking this General Assembly to define the action of the last General Assembly "in limiting the term of licensure (min., p. 87) as not referring to the cases of laymen who are licensed with a view of their higher usefulness, and not with a view to ordination."

The Committee recommend this minute as an answer, viz.: The General Assembly cannot sanction the practice of licensure as a means to attain a higher measure of usefulness merely, without aiming to reach ordination, as this would be virtually to make two grades of preaching officers. But the rules adopted by the last Assembly, to which the memorial refers, should not be construed as abridging the power and discretion of the Presbyteries to license probationers "in extraordinary cases." Form of Government, xiv., vi.

Adopted.—1873, p. 524.

3. Licentiates Belong to the Laity, and are Subject to the Session.

a. The Committee to whom was recommitted Overture No. 1, viz.: The question at what period of their preparatory course are candidates for the Christian ministry to be considered as dismissed from the jurisdiction of the session and transferred to the Presbytery? made a report, which, being read and amended, was adopted, and is as follows, viz.:

Whereas, It appears necessary, in order to preserve the purity of the Church, and uniformity of procedure in the judicatories under the care of the General Assembly, that the manner of administering discipline to candidates and licentiates for the gospel ministry, should be distinctly specified; therefore,

Resolved, 1. That as the word of God and the Constitution of the Presbyterian Church recognize the distinction of laity and clergy, and a system of procedure in discipline in some respects diverse, as the one or the other of these orders of men is concerned, it becomes the judicatories of the Church to guard against the violation of this principle in the administration of discipline.

2. That although candidates and licentiates are in training for the gospel ministry, and in consequence of this are placed under the care of Presbyteries, and in certain respects become immediately responsible to them, yet they are to be regarded as belonging to the order of the laity till they receive ordination to the whole work of the gospel ministry.

3. That it follows, from the last resolution, that when candidates for the gospel ministry are discovered to be unfit to be proceeded with in trials for the sacred office, it shall be the duty of the Presbytery to arrest their progress, and if further discipline be necessary, to remit them for that purpose to the sessions of the churches to which they properly belong, and that when licentiates are found unworthy to be permitted further to preach the gospel, it shall be the duty of the Presbytery to deprive them of their license, and if further discipline be necessary, to remit them for that purpose to the sessions of the churches to which they properly belong.

4. That in order to ensure the proper effect of discipline in the performance of the duties which severally belong to sessions and Presbyteries, it will be incumbent on church sessions, when they shall see cause to commence process against candidates or licentiates, before Presbytery has arrested the trials of the one or taken away the licensure of the other, to give immediate notice to the moderator of the Presbytery to which the candidates or licentiates are amenable that such process has been commenced, to the intent that the impropriety may be prevented of an individual proceeding on trials or continuing to preach, after committing an offence that ought to arrest him in his progress to an investiture with the sacred office; and when Presbyteries shall enter upon an investigation, with the view of stopping the trials of a candidate or taking away the license of a licentiate, the session to which such candidates or licentiates are amenable shall be immediately informed of what the Presbytery is doing, that the session may if requisite commence process and inflict the discipline which it is their province to administer.—1829, pp. 263, 264.

b. But may Solemnize Marriage if Authorized by Law.

Resolved, That while our Form of Government does not recognize licentiates as ministers of the gospel, yet this Assembly do not consider them as violating any rules of the Church by solemnizing marriages in those States where the civil laws expressly authorize them to do it.—1844, p. 377.

CHAPTER XV.

OF THE ELECTION AND ORDINATION OF BISHOPS OR PASTORS AND EVANGELISTS.

I. When any probationer shall have preached so much to the satisfaction of any congregation as that the people appear prepared to elect a pastor, the session shall take measures to convene them for this purpose; and it shall always be the duty of the session to convene them, when a majority of the persons entitled to vote in the case shall, by a petition, request that a meeting may be called.

1. Steps to be taken by a Vacant Congregation looking to the Election of a Pastor.

The business left unfinished in the morning was resumed, and after a full discussion of the subject, the motion to sustain the appeal of the session of the Third Presbyterian Church in this city from the decision of the Synod of Philadelphia, affirming a decision of the Presbytery of Philadelphia, by which the Presbytery directed the said session, within twenty days from the date of their decision, or after the final determination of the case, to convene the congregation for the purpose of electing a pastor, was determined in the affirmative; and Dr. Green, Dr. Neill and Mr. Richards were appointed a Committee to prepare a minute stating the principles on which the Assembly sustained the appeal.

The Committee appointed to prepare a statement of the principles and grounds upon which the Assembly sustained the appeal of the session of the Third Presbyterian Church in this city reported, and their report, being read and amended, was adopted in the words following, viz.:

That both to prevent misapprehension and to aid the congregations and judicatures of this Church in deciding on any similar cases that may arise, the Assembly therefore declare,

I. That in vacant congregations which are fully organized the session of each congregation are to determine, under their responsibility to the higher judicatures, when the congregation are prepared to elect a pastor, as directed in the Form of Government of this Church, chap. xv., sec. i.

II. That it is the duty of the session, when a congregation is vacant, to use their best endeavors to promote the settlement of a pastor in the same, in the speediest manner possible, consistently with the peace, order and edification of the congregation; and it is the privilege of the people, or of any portion of them, to complain to the Presbytery when they think that the session, after being suitably requested, neglect or refuse to convene the congregation to elect a pastor.

III. That it belongs to the Presbyteries to take cognizance of the proceedings of sessions and congregations in the important concern of settling pastors, and to adopt the most effectual measures on the one hand to prevent all undue delay by the session or the people, and on the other to prevent all precipitancy in the settlement of any minister or the adoption of any system of proceedings in the congregation inconsistent with the real and permanent edification of the people.

IV. That by the due and discreet observance of these principles by all

concerned it will be found that, so far from the session of a congregation having it in their power to deprive a majority of a congregation of their right to make an election of a pastor when sought in an orderly and Christian manner, or to keep a congregation unsettled for an indefinite length of time, the rights of the people will be most effectually secured, and their precious and inalienable privilege of choosing their own pastor will be exercised by them in the shortest period which their own real benefit will permit.

V. That the conviction of this Assembly that the foregoing obvious and constitutional principles had not been duly adhered to in the case before them, that the congregation had not proceeded with a suitable respect to the session, and that the Presbytery did not adopt the most suitable measure when they advised and directed the session to convene the congregation in twenty days, has led the Assembly to sustain this appeal as the measure most constitutional, best calculated on the whole to do justice to all the parties concerned, and to point the way to the most speedy settlement of the unhappy differences and disorders which have so long existed in the particular congregation immediately concerned.—1814, pp. 559, 560.

II. When such a meeting is intended, the session shall solicit the presence and counsel of some neighboring minister to assist them in conducting the election contemplated, unless highly inconvenient on account of distance; in which case they may proceed without such assistance.

[For answer to the question who may moderate a session, see under Form of Government, chap. ix., sec. iv., 2, *a*, *b*, *c*.]

III. On a Lord's day, immediately after public worship, it shall be intimated from the pulpit that all the members of that congregation are requested to meet on _____ ensuing, at the church or usual place for holding public worship; then and there, if it be agreeable to them, to proceed to the election of a pastor for that congregation.

IV. On the day appointed, the minister invited to preside, if he be present, shall, if it be deemed expedient, preach a sermon; and after sermon he shall announce to the people that he will immediately proceed to take the votes of the electors of that congregation for a pastor, if such be their desire, and when this desire shall be expressed by a majority of voices, he shall then proceed to take votes accordingly. In this election no person shall be entitled to vote who refuses to submit to the censures of the Church regularly administered, or who does not contribute his just proportion according to his own engagements or the rules of that congregation to all its necessary expenses.

a. Who may Vote in the Election of a Pastor.

Agreed that none shall be allowed to vote for the calling of a minister but those that shall contribute for the maintenance of him, and that the major vote of these shall be determinative.—1711, p. 24.

[As adopted by the Synod in 1788, the margin for the direction of the presiding minister read, "The minister shall receive the votes of none but regular members, and who punctually pay toward the support of the Church." This was stricken out in the revision of 1820.]

b. Right of Voting not limited to Communicants unless expressly so Declared.

[In sustaining a complaint of R. J. Breckenridge, D. D., *et al.*, "against the Synod of Kentucky in its action limiting the right of voting in the election of a pastor to communicating members of the Church," the Assembly—]

Resolved, That the complaint be sustained; but the Assembly in this judgment does not intend to condemn a practice prevalent in some of our congregations in which the right of voting for pastor is confined to communicants.—1863, p. 71, O. S.

c. Overture Confining the Vote to Communicants not Adopted.

Overture No. 3, being an overture from the Presbytery of Saline, "in favor of the enactment of a law requiring that in the election of pastors, none be permitted to vote except communicants in good and regular standing;" also, "that when any candidate is before a church, the church shall determine whether he shall be called to the pastorate before any other candidate shall be heard."

The Committee recommend for answer: That, in regard to the first point, the enactment of such a law would prohibit a usage quite extensive among the churches, founded upon an interpretation of the present law which has heretofore been sanctioned by the General Assembly. It is, therefore, deemed inexpedient upon the application of a single Presbytery to recommend such alteration in the Form of Government. In regard to the second point it need only be said that the authority asked for is now possessed by each congregation, and may be exercised or not at its pleasure; while to make such exercise binding by positive law would deprive all congregations of a present liberty the use of which seems wisely left to their discretion.

The report was adopted.—1867, p. 320, O. S.

V. When the votes are taken, if it appear that a large minority of the people are averse from the candidate who has a majority of votes, and cannot be induced to concur in the call, the presiding minister shall endeavor to dissuade the congregation from prosecuting it further. But if the people be nearly or entirely unanimous, or if the majority shall insist upon their right to call a pastor, the presiding minister, in that case, after using his utmost endeavors to persuade the congregation to unanimity, shall proceed to draw a call in due form, and to have it subscribed by the electors, certifying at the same time in writing the number and circumstances of those who do not concur in the call; all which proceedings shall be laid before the Presbytery, together with the call.

VI. The call shall be in the following, or like form, namely:

The congregation of being, on sufficient grounds, well satisfied of the ministerial qualifications of you and

having good hopes from our past experience of your labors that your ministrations in the gospel will be profitable to our spiritual interests, do earnestly call and desire you to undertake the pastoral office in said congregation; promising you, in the discharge of your duty, all proper support, encouragement and obedience in the Lord. And that you may be free from worldly cares and avocations, we hereby promise and oblige ourselves to pay to you the sum of in regular quarterly (or half yearly or yearly) payments during the time of your being and continuing the regular pastor of this church. In testimony whereof we have respectively submitted our names this day of A. D.

Attested by A. C., moderator of the meeting.

1. Early Action.—Glebe and Parsonage Recommended.

a. That in every congregation a Committee be appointed, who shall twice in every year collect the minister's stipend and lay his receipts before the Presbytery preceding the Synod, and at the same time that ministers give an account of their diligence in visiting and catechising their people.

The Synod recommends that a glebe, with a convenient house and necessary improvements, be provided for every minister.—1766, p. 359.

b. As it appears the interest of religion is in danger of suffering greatly at present from the many discouragements under which the ministers of the gospel labor from the want of a sufficient support and liberal maintenance from the congregations they serve, the Synod appoint a Committee to take this matter into consideration and report thereon to the next Synod.

Ordered, That Drs. Witherspoon, Ewing and Spencer be a Committee for this purpose.—1782, p. 495.

Said Committee brought in their report, which was read and considered; whereupon,

Ordered, That Drs. Witherspoon and Spencer, with Mr. S. Smith, be a Committee to prepare a draught of a pastoral letter to the congregation under the inspection of Synod, as also to prepare some resolves to be passed by Synod and accompany said letter, the whole to be brought in to-morrow morning.—1783, p. 499.

[The letter was brought in, amended and ordered to be published.]

2. Adequate Provision to be Urged.

a. [The Assembly enjoins it upon all the Presbyteries] "that they will endeavor, as far as the state of society in different parts of our Church will permit, to withdraw the ministers of the gospel from every worldly avocation for the maintenance of themselves and families, that they may devote themselves entirely to the work of the ministry; and that for this end they labor to convince the people of the advantage that will accrue to themselves from making such adequate provision for the support of their teachers and pastors, that they may be employed wholly in their sacred calling; and in those places where it may be found prudent and practicable, that they devise means to have the contracts between congregations and pastors examined in the Presbyteries at stated periods, inquiries instituted with regard to the reciprocal fulfillment of duties and

engagements, and endeavors used to promote punctuality and fidelity in both parties, before distress on one side or complaint on the other grow to a height unfavorable to the interests of religion.—1799, p. 181.

b. With pain we have heard that in some parts of our Church the disposition to support the gospel ministry is becoming cold. We lament this appearance the more because we learn that there is no backwardness to advance money for objects which, though laudable in themselves, are subordinate in importance to the preaching of the word.

We trust that our people possess too much good sense and too much respect for the God who made and redeemed them to listen to the dreams of men who neither know what they say nor whereof they affirm. These do not hesitate to libel an ordinance of the living God to promote their selfish views, their degrading prejudices. God hath said, "Whosoever serveth at the altar shall live of the altar." But these say, No; the ministry must be kept in want that they may be kept humble.

We fervently wish that the men who thus act toward the ministry would, to be consistent, apply their reasoning to themselves. We do not hesitate to say that the profession of religion which is connected with the disposition to abridge the means of supporting the gospel is at best suspicious. Men who do so practically say, We love our bodies more than our souls—our temporal substance more than our eternal inheritance. It is among the foulest blots of the Christian name that in so many instances the confession is made of the heart being opened to receive the truth in the love of it, whilst at the same time great reluctance is displayed in giving worldly substance for the service of Him who alone changes the heart.

One of the best evidences of the power of religion is an increase of liberality in relation to all those objects which regard the salvation of souls and the liberality of Zion. We hope that they who have in this respect gone back will, without delay, retrace their steps and redeem their name from reproach or suspicion.—1811, p. 485.

3. Liberality in Support of the Ministry Urged.

a. The following preamble and resolution, proposed by Elder Walter S. Griffith, was unanimously adopted:

Whereas, It is highly important to our churches that they be served by competent ministers, who shall be free from worldly cares and avocations; whereas, the law of Christ expressly declares "that they which preach the gospel should live of the gospel," and that he "that is taught in the word" should "communicate unto him that teacheth in all good things," thus making it the solemn duty, as it is clearly the interest, of Christian churches to provide for their ministers a competent and liberal support; whereas, the cost of the necessities of life has advanced so greatly as to render the salaries heretofore paid to many of our ministers entirely inadequate, causing to them and to their families great anxiety and distress; and whereas, this subject demands at this time, and should not fail to attract, the special attention of every Christian; therefore,

Resolved, That the General Assembly earnestly exhort all the churches under their care to consider this question in the spirit of Christian fidelity and liberality, and to make ample provision for those who minister to them in word and doctrine, stipulating so to increase their compensation, when necessary, as to make their salaries fully adequate to their comfortable support, in view of the enhanced expenses of living, and paying the amount agreed upon with honorable and Christian promptitude.—1854, p. 499, N. S.

b. [A memorial from the Synod of New York on the subject of ministerial support was referred to a Committee exclusively of elders, one from each Synod.]

Judge Fine, from the Special Committee on Ministerial Support, presented a report, which was read, amended and adopted, the resolutions being as follows, viz.:

1. *Resolved*, That we affectionately and earnestly recommend to the churches under our care that they scrupulously avoid holding out any inducements to a minister to become their stated supply, or settled pastor, which will not be realized.

2. *Resolved*, That we earnestly recommend to every Presbytery that, unless suitable provision be made for the support of a minister or stated supply, they decline to give their aid or sanction, as a Presbytery, to settle him in any congregation which is able to furnish such suitable provision.

3. *Resolved*, That we recommend to the elders and deacons and trustees of our churches and congregations to meet together on some day before the first of November next, and yearly thereafter, or oftener if necessary, and institute the inquiry whether the minister or stated supply is properly and fully supported, and if they find that he is not so supported, to take immediate measures to increase his support, and report to their Presbytery at its next meeting.

4. *Resolved*, That we recommend to the Presbyteries to require of every minister to preach on the subject of ministerial support—"that, laying aside all false delicacy, they enlighten their people upon this as upon any other branch of Christian duty, pleading not for themselves, but for their Master, if happily they may reclaim their respective charges from a grievous sin which must bring down God's displeasure"—and that the Presbyteries call upon every minister to answer whether he has complied with their injunction.—1854, p. 40, O. S.

[For the report accompanying the resolutions and ordered to be published and read in the churches, see Baird's Collection, Revised Edition, pp. 199–203.]

4. Presbytery may Refuse to Install when the Salary is Insufficient.

From the church of Paris, Illinois: "When a congregation and minister agree on the amount of salary to be paid and received, and both parties, being fully satisfied, request that the pastoral relation be constituted according to the order of the Presbyterian Church, has Presbytery the right to refuse to install because, in their judgment, the salary is insufficient?" Answered in the affirmative.—1855, pp. 272–282, O. S.

5. Congregations Urged to Procure Parsonages.

a. For the purpose of facilitating the settlement and support of pastors and to guard more effectually against the temptation, or almost necessity, as in some cases seems to exist, for ministers to involve themselves, to the injury of their usefulness, in procuring accommodations for themselves and families,

1. *Resolved*, That it be earnestly recommended to our churches, wherever it is expedient and practicable, to provide suitable parsonages for the accommodation of their pastors.

2. *Resolved*, That great care be taken to have these parsonages so guarded by legal arrangements as most effectually to prevent controversy and secure their perpetual enjoyment by the churches providing them for

the continued support of the gospel through coming generations.—1843, p. 193, O. S.

b. Resolved, 2. That the Presbyteries be instructed to appoint Standing Committees on Manses, so that the subject may be brought regularly and statedly before them for consideration, and that information may be disseminated widely among the churches.

Resolved, 3. That ministers and elders be requested to press this matter upon the attention of the churches and people, and strive to create and extend a healthy state of mind and feeling on the subject, and stimulate them in the effort to provide manses, and, even in those churches where the way may not be clear to build at once, urge upon them the work of preparation by securing suitable lots of ground for building when the proper time may come, and that such provision of ground, whether in town or country, should be on a liberal scale.—1872, p. 37.

VII. But if any congregation shall choose to subscribe their call by their elders and deacons, or by their trustees, or by a select committee, they shall be at liberty to do so. But it shall, in such case, be fully certified to the Presbytery by the minister, or other person who presided, that the persons signing have been appointed for that purpose by a public vote of the congregation, and that the call has been in all other respects prepared as above directed.

VIII. When a call shall be presented to any minister or candidate, it shall always be viewed as a sufficient petition from the people for his installment. The acceptance of a call by a minister or candidate shall always be considered as a request on his part to be installed at the same time, and when a candidate shall be ordained in consequence of a call from any congregation, the Presbytery shall at the same time, if practicable, install him pastor of that congregation.

IX. The call, thus prepared, shall be presented to the Presbytery under whose care the person called shall be; that if the Presbytery think it expedient to present the call to him, it may be accordingly presented, and no minister or candidate shall receive a call but through the hands of the Presbytery.

X. If the call be to a licentiate of another Presbytery, in that case the commissioners deputed from the congregation to prosecute the call shall produce to that judicatory a certificate from their own Presbytery, regularly attested by the moderator and clerk, that the call has been laid before them, and that it is in order. If that Presbytery present the call to their licentiate and he be disposed to accept it, they shall then dismiss him from their jurisdiction and require him to repair to that Presbytery into the bounds of which he is called, and there to submit himself to the usual trials preparatory to ordination.

[To facilitate the business and avoid expense and delay, it has become common usage for the candidate to obtain a dismission to the Presbytery

within whose bounds is the congregation seeking his services; being received by that Presbytery, the proceedings are as in the case of their own candidates. See IX., above, M.]

XI. Trials for ordination, especially in a different Presbytery from that in which the candidate was licensed, shall consist of a careful examination as to his acquaintance with experimental religion; as to his knowledge of philosophy, theology, ecclesiastical history, the Greek and Hebrew languages, and such other branches of learning as to the Presbytery may appear requisite; and as to his knowledge of the constitution, the rules and principles of the government and discipline of the church; together with such written discourse or discourses founded on the word of God as to the Presbytery shall seem proper. The Presbytery, being fully satisfied with his qualifications for the sacred office, shall appoint a day for his ordination, which ought to be, if convenient, in that church of which he is to be the minister. It is also recommended that a fast day be observed in the congregation previous to the day of ordination.

1. Ordination on the Sabbath Discouraged, but at the Discretion of the Presbytery.

An overture was received from the Presbytery of Orange, requesting the opinion of the General Assembly on the question whether it be proper to ordain licentiates to the office of the gospel ministry on the Sabbath day. The General Assembly think it would not be for edification to adopt a uniform rule on the subject. In general they think it is not expedient that ordinations should take place on the Sabbath, yet that there may be cases in which urgent or peculiar circumstances may demand them. The Assembly, therefore, judged it best to leave it to the Presbyteries to act in this concern as they may judge that their duty requires.—1821, p. 10.

[For qualifications of the candidate in knowledge of and assent to the Confession, Catechisms, etc., see under Form of Government, chap. i., 11, 12 and 13.]

XII. The day appointed for ordination being come, and the Presbytery convened, a member of the Presbytery, previously appointed to that duty, shall preach a sermon adapted to the occasion. The same, or another member appointed to preside, shall afterward briefly recite from the pulpit, in the audience of the people, the proceedings of the Presbytery preparatory to this transaction. He shall point out the nature and importance of the ordinance, and endeavor to impress the audience with a proper sense of the solemnity of the transaction.

Then, addressing himself to the candidate, he shall propose to him the following questions, viz.:

1. Do you believe the Scriptures of the Old and New Testaments to be the word of God, the only infallible rule of faith and practice?

2. Do you sincerely receive and adopt the Confession of Faith of

this Church as containing the system of doctrine taught in the Holy Scriptures?

3. Do you approve of the government and discipline of the Presbyterian Church in these United States?

4. Do you promise subjection to your brethren in the Lord?

5. Have you been induced, as far as you know your own heart, to seek the office of the holy ministry from love to God, and a sincere desire to promote his glory in the gospel of his Son?

6. Do you promise to be zealous and faithful in maintaining the truths of the gospel and the purity and peace of the Church, whatever persecution or opposition may arise unto you on that account?

7. Do you engage to be faithful and diligent in the exercise of all private and personal duties which become you as a Christian and a minister of the gospel, as well as in all relative duties and the public duties of your office, endeavoring to adorn the profession of the gospel by your conversation, and walking with exemplary piety before the flock over which God shall make you overseer?

8. Are you now willing to take the charge of this congregation, agreeably to your declaration at accepting their call? And do you promise to discharge the duties of a pastor to them as God shall give you strength?

The Assent Embraces the Larger and Shorter Catechisms.

Overture No. 1. The following inquiry from members of the Presbytery of Nashville: "When ministers and other officers are ordained in the Presbyterian Church, and give an affirmative answer to the question, Do you sincerely receive and adopt the Confession of this Church as containing the system of doctrines taught in the Holy Scriptures? are such ministers and officers to be understood as embracing and assenting to the doctrines, principles, precepts and statements contained in the Larger and Shorter Catechisms in the same unqualified sense in which they are understood to embrace and assent to the doctrines, principles, precepts and statements contained in other parts of the Confession of Faith?"

The Committee recommended that the question be answered in the affirmative; and the recommendation was adopted.—1848, p, 18, O. S.

XIII. The candidate having answered these questions in the affirmative, the presiding minister shall propose to the people the following questions:

1. Do you, the people of this congregation, continue to profess your readiness to receive whom you have called to be your minister?

2. Do you promise to receive the word of truth from his mouth with meekness and love, and to submit to him in the due exercise of discipline?

3. Do you promise to encourage him in his arduous labor, and to assist his endeavors for your instruction and spiritual edification?

4. And do you engage to continue to him, while he is your pastor, that competent worldly maintenance which you have promised, and whatever else you may see needful for the honor of religion and his comfort among you?

XIV. The people having answered these questions in the affirmative, by holding up their right hands, the candidate shall kneel down in the most convenient part of the church. Then the presiding minister shall by prayer, and with the laying on of the hands of the Presbytery, according to the apostolic example, solemnly ordain him to the holy office of the gospel ministry. Prayer being ended, he shall rise from his knees; and the minister who presides shall first, and afterward all the members of the Presbytery in their order, take him by the right hand, saying, in words to this purpose, "We give you the right hand of fellowship to take part of this ministry with us." After which the minister presiding, or some other appointed for the purpose, shall give a solemn charge in the name of God, to the newly ordained bishop, and to the people, to persevere in the discharge of their mutual duties; and shall then by prayer recommend them both to the grace of God and his holy keeping, and finally, after singing a psalm, shall dismiss the congregation with the usual blessing. And the Presbytery shall duly record the transaction.

XV. As it is sometimes desirable and important that a candidate who has not received a call to be the pastor of a particular congregation should, nevertheless, be ordained to the work of the gospel ministry, as an evangelist, to preach the gospel, administer sealing ordinances and organize churches in frontier or destitute settlements; in this case the last of the preceding questions shall be omitted, and the following used as a substitute, namely:

Are you now willing to undertake the work of an evangelist; and do you promise to discharge the duties which may be incumbent on you in this character as God shall give you strength?

1. Ordination as an Evangelist to Labor in Feeble Churches.

Is it or is it not in accordance with the principles of the Presbyterian Church to ordain evangelists to labor in fields having feeble churches which are not able to support a pastor, and are too remote conveniently to secure the services of an ordained minister?

To ordain evangelists under the specified circumstances is in accordance with the practice of the Church, and is no infraction of any of its laws.—1850 p. 454, O. S.

2. Ordination of a Licentiate who Proposed to Continue Teaching.

The Presbytery of Philadelphia submitted to the Assembly for their decision the case of Mr. John Jones, a licentiate under their care, who at their last sessions had requested that the Presbytery would take measures to ordain him *sine titulo*. The Presbytery stated that Mr. Jones had been a licensed candidate for a number of years; that he had always sustained a good and consistent character; that he was engaged in teaching an academy, and was so circumstanced that his being ordained might render him more extensively useful. The Assembly having considered the case,

Resolved, That the Presbytery of Philadelphia be permitted and authorized to ordain Mr. Jones to the work of the gospel ministry *sine titulo*, provided the Presbytery, from a full view of his qualifications and other attending circumstances shall think it expedient so to ordain him.—1807, p. 386.

3. Presbyteries should not Ordain the Candidates of other Presbyteries.

1. That it be earnestly recommended to all our Presbyteries not to ordain *sine titulo* any men who propose to pursue the work of their ministry in any sections of the country where a Presbytery is already organized to which they may go as licentiates and receive ordination.

2. That the several bodies with which we are in friendly correspondence in the New England States be respectfully requested to use their counsel and influence to prevent the ordination, by any of their councils or consociations, of men who propose to pursue the work of the ministry within the bounds of any Presbytery belonging to the General Assembly of the Presbyterian Church, and that the delegates from this Assembly to those bodies respectively be charged with communicating this resolution.—1834, p. 428.

4. Ordination sine titulo.

a. The Synod would bear testimony against the late too common, and now altogether unnecessary, practice of some Presbyteries in the north of Ireland, viz., their ordaining men to the ministry *sine titulo* immediately before they come over hither, thereby depriving us of our just rights, viz., that we, unto whom they are designed to be co-presbyters, and among whom they design to bestow their labors, should have just and fair inspecting into their qualifications; we say it seems necessary that the Synod bear testimony against such practice by writing home to the General Synod, thereby signifying our dissatisfaction with the same. . . . The Synod do agree that no minister ordained in Ireland *sine titulo* be for the future received to the exercise of his ministry among us until he submit to such trials as the Presbytery among whom he resides shall think proper to order and appoint. And that the Synod do also advertise the General Synod in Ireland that the ordaining any such to the ministry *sine titulo*, before their sending them hither, for the future will be very disagreeable and disobliging to us.—1735, p. 119.

b. A question was proposed, Whether it be proper to ordain to the ministry *sine titulo*, except for some particular mission? The consideration of which is deferred till our next *sederunt*.—1762, p. 314.

The question, Ought ministers to be ordained *sine titulo?*—*i. e.*, without relation or probable view had to a particular charge—resumed, and after further deliberation, we judge as follows:

That in ordinary cases, where churches are properly regulated and organized, it is a practice highly inexpedient and of dangerous consequences, not to be allowed in our body except in some special cases, as missions to the Indians and some distant places that regularly apply for ministers. But as the honor and reputation of the Synod is much interested in the conduct of Presbyteries in such special cases, it is judged that they should previously apply to the Synod and take their advice therein, unless the cases require such haste as would necessarily prevent the benefit of such a mission if delayed to the next session of Synod, in which cases the Presbyteries shall report to the next Synod the state of the cases and the reasons for their conduct.—1764, p. 337.

c. Application was made to the Synod by the Presbytery of New Castle for advice respecting the propriety of Mr. Samuel Smith's being ordained by said Presbytery of New Castle, under whose care he is, in consequence of his having accepted a call from a congregation within the bounds of the Presbytery of Hanover.

The Synod, having heard all the circumstances relative to this case and deliberated thereon, agree that it is not expedient for the Presbytery of New Castle to ordain Mr. Smith as the matter now stands.—1775, p. 465.

d. The Presbytery of Lewes, by their commissioner, Mr. Slemons, requested leave to ordain a certain Mr. James Lang, a licentiate under their care, *sine titulo.*

Resolved, That the reasons offered for this measure are not sufficient, and therefore that the request be not granted.—1800, p. 199.

e. The following request was overtured by the Committee of Bills and Overtures:

That the Synods of Virginia and the Carolinas have liberty to direct their Presbyteries to ordain such candidates as they may judge necessary to appoint on missions to preach the gospel; whereupon,

Resolved, That the above request be granted, the Synods being careful to restrict the permission to the ordination of such candidates only as are engaged to be sent on missions to preach the gospel.—1795, p. 98.

f. The Presbytery of Baltimore directed their commissioners to solicit the permission of the General Assembly to ordain Mr. William Maffit, a licentiate under their care, to the office of the gospel ministry, if upon examination he should appear qualified. The request was made at the particular instance of the church of Bladensburg, where Mr. Maffit officiates as a stated supply.

Resolved, That said request be granted.—1798, p. 146.

g. Mr. Robert Smith was appointed a missionary to the western and northern frontiers of the State of New York, provided he shall be ordained by the Presbytery of New Castle for that purpose.—1794, p. 86.

[See also Minutes 1799, p. 172; 1809, p. 415; 1810, p. 459.]

h. A reference from the Synod of Philadelphia was laid before the Assembly. By an extract from the minutes of that Synod it appeared that Mr. John Waugh, a licentiate under the care of the Presbytery of New Castle, had, for special reasons, requested the Presbytery to take measures for his ordination *sine titulo.* The Presbytery accordingly presented the request to Synod, and the Synod, finding that the authority in this case is by the Constitution expressly vested in the General Assembly, agree to refer the matter to them for their decision. The Assembly having taken the subject into consideration,

Resolved, That the Presbytery of New Castle be, and they hereby are permitted and authorized, to ordain the said Mr. Waugh to the work of the gospel ministry *sine titulo;* provided that the Presbytery, from a full

view of his qualifications and other attending circumstances, shall think it expedient.—1805, p. 337.

5. Ordination sine titulo.—Overture on Rejected.

a. The following overture was brought in and read, viz.:

In what cases, except the one provided for in the seventeenth chapter of the Constitution of our Church, may a Presbytery ordain a man to the work of the gospel ministry without a call to a particular charge?—1810, p. 456.

This overture was referred to Drs. Miller and Green, Messrs. Nathan, Grier, Anderson and Campbell, as a Committee.—1811, p. 464.

This Committee reported as follows, viz.:

Whereas, There may exist cases in which it may be needful for Presbyteries to ordain without a regular call; but as the frequent exercise of this power may be dangerous to the Church, and as this case does not appear to be fully provided for in our Constitution and Book of Discipline,

Resolved, That the following rule be submitted to the Presbyteries for their opinion and approbation, which, when sanctioned by a majority of the Presbyteries belonging to the Church, shall become a constitutional rule, viz.:

That it shall be the duty of Presbyteries, when they think it necessary to ordain a candidate without a call to a particular congregation or congregations, to take the advice of their respective Synods, or of the General Assembly, before they proceed to this ordination.—1811, p. 474.

[Answered in the negative—11 to 7—and the subject dismissed.]—1812, p. 494.

b. [In 1813 another rule was proposed,] viz.: The rule proposed, and on which an affirmative or negative vote of the Presbyteries is required, is in the following words, viz.:

It shall be the duty of Presbyteries, when they think it necessary to ordain a candidate without a call to a particular pastoral charge, to take the advice of a Synod, or of the General Assembly, before they proceed to such ordination.—1813, p. 524.

[Of the Presbyteries answering this overture, twenty-six replied in the negative and four in the affirmative.]—1814, p. 558.

6. Censure of Synod for Ordination sine titulo not Sustained.

The records of the Synod of Illinois were, on the recommendation of the Committee, approved, with the exception of a censure on p. 209, of the action of Knox Presbytery, for ordaining a man when there was no call from any part of the Church.—1843, p. 17, N. S.

CHAPTER XVI.

OF TRANSLATION OR REMOVING A MINISTER FROM ONE CHARGE TO ANOTHER.

I. No bishop shall be translated from one church to another, nor shall he receive any call for that purpose, but by permission of the Presbytery.

1. Removal without Consent of Presbytery.

The Presbytery of East Jersey having reported that Mr. John Cross has, without the concurrence of Presbytery, removed from one congregation to another, the Synod do declare that the conduct of such ministers . . . that take charge of any congregation without the Presbyteries' concurrence, to be disorderly and justly worthy of presbyterial censure, and do admonish said Mr. Cross to be no further chargeable with such irregularities in the future.—1735, p. 115.

2. The Irregularity Excused, but Caution Enjoined.

The Synod having deliberately considered the affair of Mr. Allison's removal to Philadelphia, referred to them by the Presbytery of New Castle, judge that the method he used is contrary to the Presbyterian plan. Yet considering that the circumstances which urged him to take the method he used were very pressing, and that it was indeed almost impracticable to him to apply for the consent of Presbytery or Synod in the orderly way, and further being persuaded that Mr. Allison's being employed in such a station in the academy has a favorable aspect in several respects, and a very probable tendency not only to promote the good of the public, but also of the Church, as he may be serviceable to the interests thereof in teaching philosophy and divinity as far as his obligations to the academy will permit, we judge that his proceedings in said affair are in a great measure excusable. Withal, the Synod advises that for the future its members be very cautious, and guard against such proceedings as are contrary to our known approved methods in such cases.—1752, p. 206.

II. Any church desiring to call a settled minister from his present charge shall, by commissioners properly authorized, represent to the Presbytery the ground on which they plead his removal. The Presbytery, having maturely considered their plea, may, according as it appears more or less reasonable, either recommend to them to desist from prosecuting the call, or may order it to be delivered to the minister to whom it is directed. If the parties be not prepared to have the matter issued at that Presbytery, a written citation shall be given to the minister and his congregation to appear before the Presbytery at their next meeting. This citation shall be read from the pulpit in that church by a member of the Presbytery appointed for that pur-

pose immediately after public worship, so that at least two Sabbaths shall intervene betwixt the citation and the meeting of the Presbytery at which the cause of translation is to be considered. The Presbytery being met, and having heard the parties, shall upon the whole view of the case either continue him in his former charge or translate him, as they shall deem to be most for the peace and edification of the Church, or refer the whole affair to the Synod at their next meeting for their advice and direction.

1. Consent of the Parties may Shorten the Process.

[In the Constitution, as originally adopted, citation of the parties was required in all cases. By the Assembly of 1804, p. 305, it was proposed to strike out "*together with a written citation*," and insert "*if the parties be not prepared to have the matter issued at that Presbytery, a written citation shall be given to the minister.*"

The amendment was adopted.—1805, p. 333. In a note accompanying the overture the Assembly say, "This amendment is intended to provide that *consent of parties* shall shorten the constitutional process for translating a minister."—1804, p. 305.]

Overture No. 11, from the Synod of New Jersey, proposing the following query: "Is it the intent of chapter xvii., Form of Government, that a minister desiring to resign his pastoral charge shall in all cases first make his request known to the Presbytery?"

The Committee recommend that it be answered in the negative, for the reason that chapter xvi., section ii., provides that where the parties are prepared for the dissolution of a pastoral relation it may be dissolved at the first meeting of Presbytery.

The report was adopted.—1866, p. 47, O. S.

III. When the congregation calling any settled minister is within the limits of another Presbytery, that congregation shall obtain leave from the Presbytery to which they belong, to apply to the Presbytery of which he is a member; and that Presbytery, having cited him and his congregation as before directed, shall proceed to hear and issue the cause. If they agree to the translation, they shall release him from his present charge; and having given him proper testimonials shall require him to repair to that Presbytery within the bounds of which the congregation calling him lies, that the proper steps may be taken for his regular settlement in that congregation; and the Presbytery to which the congregation belongs, having received an authenticated certificate of his release under the hand of the clerk of that Presbytery, shall proceed to install him in the congregation as soon as convenient, provided always that no bishop or pastor shall be translated without his own consent previously obtained.

1. Pastor and Church must Belong to the same Presbytery.

Overture No. 19. From a member of the Presbytery of Lexington, asking whether a minister who is a member of one Presbytery can be in-

stalled as pastor over a church in another Presbytery; and if so, what are the proceedings proper in the case. The Committee recommend the Assembly to answer that he should not be installed in such a case. Adopted. —1854, p. 46, O. S.

See under chap. x., viii.

IV. When any minister is to be settled in a congregation, the installment, which consists in constituting a pastoral relation between him and the people of that particular church, may be performed either by the Presbytery or by a Committee appointed for that purpose, as may appear most expedient; and the following order shall be observed therein:

V. A day shall be appointed for the installment, at such time as may appear most convenient, and due notice thereof given to the congregation.

VI. When the Presbytery or Committee shall be convened and constituted, on the day appointed, a sermon shall be delivered by some one of the members previously appointed thereto; immediately after which the bishop who is to preside shall state to the congregation the design of their meeting, and briefly recite the proceedings of the Presbytery relative thereto. And then addressing himself to the minister to be installed, shall propose to him the following or similar questions:

1. Are you now willing to take the charge of this congregation, as their pastor, agreeably to your declaration at accepting their call?

2. Do you conscientiously believe and declare, as far as you know your own heart, that in taking upon you this charge, you are influenced by a sincere desire to promote the glory of God, and the good of the church?

3. Do you solemnly promise that, by the assistance of the grace of God, you will endeavor faithfully to discharge all the duties of a pastor to this congregation; and will be careful to maintain a deportment in all respects becoming a minister of the gospel of Christ, agreeably to your ordination engagements?

To all these having received satisfactory answers, he shall propose to the people the same or like questions as those directed under the head of ordination; which, having been also satisfactorily answered by holding up the right hand in testimony of assent, he shall solemnly pronounce and declare the said minister to be regularly constituted the pastor of that congregation. A charge shall then be given to both parties, as directed in the case of ordination; and after prayer, and singing a psalm adapted to the transaction, the congregation shall be dismissed with the usual benediction.

VII. It is highly becoming that, after the solemnity of the installment, the heads of families of that congregation who are present, or

at least the elders and those appointed to take care of the temporal concerns of that church, should come forward to their pastor and give him their right hand in token of cordial reception and affectionate regard.

1. A Pastoral Relation without Installment Recognized.

It appears evident to this Synod that Mr. Tennent having in all respects acted, and been esteemed, and looked upon, not only by this Synod, but also by the congregation, of Neshaminy, and particularly by the appellants themselves, as the minister and pastor of the people of Neshaminy, that he is still to be esteemed as the pastor of that people, notwithstanding the want of a formal installment among them; which omission, though the Synod doth not justify, yet it is far from nullifying the pastoral relation between Mr. Tennent and said people.—1736, p. 127.

CHAPTER XVII.

OF RESIGNING A PASTORAL CHARGE.

When any minister shall labor under such grievances in his congregation as that he shall desire leave to resign his pastoral charge, the Presbytery shall cite the congregation to appear by their commissioner at their next meeting to show cause, if any they have, why the Presbytery should not accept the resignation. If the congregation fail to appear, or if their reasons for retaining their pastor be deemed by the Presbytery insufficient, he shall have leave granted to resign his pastoral charge, of which due record shall be made; and that church shall be held to be vacant till supplied again in an orderly manner with another minister; and if any congregation shall desire to be released from their pastor, a similar process, *mutatis mutandis*, shall be observed.

1. Whether the Relation shall be Dissolved at the Meeting where the Request is made left to the Discretion of the Presbytery.

The Committee on overture No. 9, viz.: Advice asked respecting the following question of order by the Presbytery of Otsego, "Is it contrary to chapter xvii., of the Form of Government, for a Presbytery to dissolve the connection between a minister and his congregation at the time when he presents his request for his dissolution, and the congregation joins issue by commissioners duly appointed for that purpose?" made the following report, which was adopted, viz.:

Resolved, That it is not expedient for this Assembly to give a decided answer to the question, but to leave every Presbytery to act according to their own discretion in the premises.—1832, p. 373.

2. The Rule should be Rigidly Observed.

Also overture No. 24. A communication from the Rev. James Latta and others in relation to the hasty and irregular dissolution of the pastoral relation.

The Committee recommend the adoption of the following:

Resolved, That article xvii. of our Form of Government, in spirit and letter, should be rigidly regarded by all pastors and churches, and enforced by our Presbyteries.—1862, p. 622, O. S.

3. If the Parties are Agreed, the Relation may be Dissolved at the first Meeting.

Overture from the Synod of New Jersey, proposing the following query: "Is it the intent of chapter xvii., of the Form of Government, that a minister desiring to resign his pastoral charge shall in all cases first make his request known to the Presbytery?"

The Committee recommend that it be answered in the negative, for the reason that chap. xvi., sec. ii., provides that where the parties are prepared for the dissolution of a pastoral relation it may be dissolved at the first meeting of Presbytery. Adopted.—1866, p. 47, O. S.

4. A Meeting of the Congregation without the Presence and Co-operation of the Pastor Valid, he having Requested the Dissolution.

Case No. 4, the complaint of the Rev. W. P. Carson against Synod of Iowa, for dismissing his complaint against the Presbytery of Dubuque. The Presbytery, upon application both of the pastor and the congregation, dissolved the pastoral relation, and Mr. Carson complained to Synod, on the ground that the session and trustees united in calling the meeting of the congregation, without the presence or co-operation of the pastor, at which action was taken asking for the dissolution of the pastoral relation. The Committee recommend that the complaint be dismissed, there being no sufficient ground of complaint.

The report was adopted.—1868, p. 612, O. S.

5. Where a Synod on Appeal Dissolves the Pastoral Relation on the Petition of a Minority, it is Sustained.

The Rev. George S. Mott, chairman, presented the report of the commission on Judicial Case No. 2, which was adopted, and is as follows:

The commission appointed by the Assembly to issue Judicial Case No. 2 makes the following report:

This case originated in a petition presented to the Presbytery of Ohio, December 27, 1866, asking the dissolution of the pastoral relation existing between the Rev. William Hunter and the church of Hopewell. The reasons of this petition were based upon troubles in the congregation which arose out of a state of things upon which Presbytery and Synod had already acted. This petition was signed by a minority. A counter petition was presented from a large majority of the congregation, begging the continuance of the pastoral relation. Presbytery refused by a small majority to dissolve the relation. The case was then taken by a complaint of the minority of the congregation to the Synod of Pittsburg. Synod sustained the complaint by a vote of 50 yeas to 11 nays, and by a unanimous vote directed the Presbytery of Ohio to dissolve the pastoral relation. From this action of Synod an appeal is made to the Assembly by Joseph Connell, of the church of Hopewell, for the following reasons:

1. Because the pastoral relation between the Rev. William Hunter and the congregation is ordered to be dissolved on the petition of less than one-fourth of the members of the congregation, greatly against the will of the congregation and to our injury, and in contravention of our Christian and constitutional rights.

2. Because the petitioners were not only a small minority, but because some of them were not members of the congregation; and those who were members had lost their *status*, they having for more than a year neither communed in the church nor contributed their just proportion of the expenses of the congregation.

3. Because the decision of Synod is highly injurious to the pastor as well as to the congregation, and hurtful also to the cause of truth, righteousness and equity, as taught in the holy Scriptures and assured to congregations and pastors by our Church standards.

All the papers and records relating to the case were read before the commission, and all the parties desiring a hearing were heard.

It appeared that the principal cause, if not the origin, of these difficulties, was the use of harsh and intemperate language on the part of Mr. Hunter toward some of his parishioners. This led to charges and a trial before the Presbytery, the result of which was an admonition to Mr. Hunter to "restrain his temper and cultivate a meek and quiet spirit." In connection with this trial the request of petitioners for the removal of Mr. Hunter was granted and the pastoral relation dissolved. From this act of dissolution Mr. Hunter appealed to Synod, who sustained his appeal on account of deficiency in the records.

A new application for the dissolution of the pastoral relation was then made to Presbytery by the discontented minority, based upon the existing troubles, which was refused, as already stated, by a small majority of Presbytery, but granted by a unanimous vote of Synod.

The facts and statements of the parties satisfied your commission that, while a majority of the congregation clung to Mr. Hunter, he had taken such a course as to alienate a part of the people and seriously to impair his usefulness in that congregation. The matter has been for two years before Presbytery, and they have sought to secure a reconciliation by sending Committees to confer with the people, but to no purpose. And the case has become so complicated in Presbytery as to divide that body about equally. When Synod came to decide upon the merits of the case, their judgment was unanimous against the continuance of the pastoral relation.

Your commission had this case several days before them, and bestowed upon it careful consideration, and have unanimously determined to report to the Assembly that the sense of this commission is that the interests of the church of Hopewell require the dissolution of the pastoral relation, and that they agree with the decision of Synod, and they recommend the following minute:

This Assembly recognizes the right of each congregation to decide whether a pastor is acceptable to them, and the wishes of a majority are to be set aside only for weighty reasons; yet such a state of things may exist between the pastor and a portion of his people as shall require, for the fair name of religion, that the relation be dissolved; and for this reason the appeal and complaint of Joseph Connell against the Synod of Pittsburg is not sustained.—1868, pp. 648, 649, O. S.

CHAPTER XVIII.

OF MISSIONS.

When vacancies become so numerous in any Presbytery that they cannot be supplied with the frequent administration of the word and ordinances, it shall be proper for such Presbytery, or any vacant congregation within our bounds, with the leave of the Presbytery, to apply to any other Presbytery, or to any Synod, or to the General Assembly for such assistance as they can afford. And when any Presbytery shall send any of their ministers or probationers to distant vacancies, the missionary shall be ready to produce his credentials to the Presbytery or Presbyteries through the bounds of which he may pass, or at least to a Committee thereof, and obtain their approbation. And the General Assembly may of their own knowledge send missions to any part to plant churches, or to supply vacancies, and for this purpose may direct any Presbytery to ordain evangelists or ministers without relation to particular churches, provided always that such missions be made with the consent of the parties appointed, and that the judicatory sending them make the necessary provision for their support and reward in the performance of this service.

[For a full account of the earlier missions of the Church, and of the origin and progress of the work culminating in the present Board of Home Missions, see New Digest, pp. 319–341, and annual minutes, N. S., from 1861 to 1869; also, Assembly's Digest, Baird's Collection, Rev. Ed., pp. 321–360, with annual minutes, O. S., from 1858 to 1869.]

1. The Standing Committee of Missions Appointed.

Resolved, 1. That a Committee be chosen annually by the General Assembly to be denominated the Standing Committee of Missions; that the Committee shall consist of seven members, of whom four shall be clergymen and three laymen; that a majority of this Committee shall be a quorum to do business; that it shall be the duty of this Committee to collect, during the recess of the Assembly, all the information in their power relative to the concerns of missions and missionaries, to digest this information and report thereon at each meeting of the Assembly; to designate the places where and to specify the periods during which the missionaries should be employed; to correspond with them if necessary and with all other persons on missionary business; to nominate missionaries to the Assembly and report the number which the funds will permit to be employed; to hear the reports of the missionaries and make a statement thereon to the Assembly relative to the diligence, fidelity and success of the missionaries, the sums due to each, and such parts of their reports as may be proper for the Assembly to hear in detail; to ascertain annually whether any money remains with the trustees of the college of New Jersey which ought to be used for missionary purposes, agreeably to the last

will of James Leslie, deceased; that they also engage a suitable person annually to preach a missionary sermon on the Monday evening next after the opening of the General Assembly, at which a collection shall be made for the support of missions, and superintend generally under the direction of the Assembly the missionary business.

2. That although this Standing Committee shall be elected annually, yet each Committee shall continue in office till the end of the sessions of that Assembly which succeeds the one by which the said Committee was chosen.

3. That this Standing Committee of missions, in addition to the duties above specified, shall be and they hereby are empowered to direct the trustees of the General Assembly, during the recess of the Assembly, to issue warrants for any sums of money which may become due in consequence of contracts, appropriations or assignments of duty made by the Assembly, and for which orders may have not been issued by the Assembly, and on this subject the Committee shall report annually to the Assembly.—1802, p. 258.

In 1805, p. 345, the number of the Committee resident in or near the city of Philadelphia was increased to ten, and one other member added for each Synod, making in the whole seventeen. In 1816 the Committee was enlarged, and the title changed to

2. The Board of Missions.

1. That the style of the Committee be changed for that of the "Board of Missions, acting under the authority of the General Assembly of the Presbyterian Church in the United States."

2. That the Board of Missions be enlarged by the addition of the Rev. John B. Romeyn, D. D., Samuel Miller, D. D., and Messrs. Samuel Bayard, Robert Ralston, Robert Lenox, John R. B. Rodgers, John E. Caldwell, Divie Bethune and Zachariah Lewis.

3. That, in addition to the powers already granted by the Committee of Missions, the Board of Missions be authorized to appoint missionaries whenever they may deem it proper, to make such advances to missionaries as may be judged necessary, and to pay balances due to missionaries who have fulfilled their missions, whenever in their judgment the particular circumstances of the missionaries may require it.

4. That the Board be authorized and directed to take measures for establishing throughout our churches auxiliary missionary societies, and that the General Assembly recommend to their people the establishment of such societies to aid the funds and extend the operations of the Board.

5. That the members of the Board of Missions be annually chosen by the Assembly, and that they continue in office until the rising of the next General Assembly, when they are to be succeeded by the persons chosen for the current year.

The Committee further report, that while deliberating on the subject referred to them, they at first thought it would be expedient for this Assembly to present to the consideration of their churches the importance of foreign missions, and to direct the Board to take measures for commencing and carrying on such missions, but on mature reflection they are inclined to believe that the union of foreign with domestic missions would produce too great complexity in the affairs of the Board, and render the pressure of business too severe and burdensome. And this consideration is strengthened by the belief which they indulge that a new society for conducting

foreign missions might be formed, composed not only of members belonging to our churches, but also of members belonging to the Reformed Dutch Church, to the Associate Reformed Church, and other churches which have adopted the same creed. Such a society is highly desirable; and were it organized on an extensive plan, so as to call forth the combined energies and charity of all those sister churches, it would be productive of beneficial consequences both at home and abroad, to ourselves as well as to the heathen.—1816, p. 633.

3. Enlargement of Powers.

a. Resolved, That the Board of Missions, in addition to the powers already granted to them, be authorized to manage, appoint and direct the whole concerns and business of the Assembly's missions definitely, and report annually their doings to the Assembly.

Resolved, That the Board be authorized to appoint, if they think proper, an Executive Committee of their own number, to carry into effect the details of their plan, and that they also be authorized to appoint and employ an agent or agents at their discretion.—1827, p. 217.

b. The Committee of Conference with the American Home Missionary Society reported that after mature deliberation they recommend the following resolutions, which were adopted, viz.:

Resolved, That the Board of Missions already have the power to establish missions not only among the destitute in our own country or any other country, but also among the heathen in any part of the world; to select, appoint and commission missionaries, to determine their salaries and to settle and pay their accounts; that they have full authority to correspond with any other body on the subject of missions; to appoint an Executive Committee and an efficient agent or agents to manage their missionary concerns; to take measures to form auxiliary societies on such terms as they may deem proper; to procure funds, and, in general, to manage the missionary operations of the General Assembly.

It is therefore submitted to the discretion of the Board of Missions to consider whether it is expedient for them to carry into effect the full powers which they possess.

Resolved, That an addition of seven laymen be made to the present number of the Board of Missions.—1828, p. 244.

4. Number of Members of the Board.

The action above made the number twenty-six ministers and fifteen elders or laymen. In 1833 it was made the rule hereafter to elect each year six ministers and six laymen. In 1834 the number to be elected annually was fixed at ten ministers and six elders. In 1845, p. 30, O. S., it was—

Resolved, That the present Assembly elect twenty-four members—fifteen ministers and nine laymen—to fill vacancies in the Board of Missions, and that hereafter the same number be elected annually, instead of the number heretofore elected.—1845, p. 30.

The N. S. Assembly continued to co-operate with the American Home Missionary Society until 1861. In 1862 a Report on Church Extension was adopted, and a Committee of Conference with the A. H. M. S. appointed, who next year reported, recommending the continuance of co-operation. [See New Digest, pp. 361–367; also, pp. 368, 369.] After full discussion the following was adopted, establishing—

The Church Extension Committee.

This being obviously, therefore, a case which cannot be reached so effectually by any action of the inferior judicatories, your Committee cannot see how the Assembly can refuse to exercise in regard to it that power of "superintendence of the concerns of the whole Church" expressly confided to it by the Constitution. They therefore recommend the following action:

Resolved, 1. That the General Assembly hereby establishes a Standing Committee, to be called "The Church Extension Committee," a majority of whom shall reside in or near the city of Philadelphia. This Committee shall have no other powers than those conferred by the Assembly, and the functions now assigned to them are those of employing presbyterial, synodical and other Presbyterian itinerant or exploring agents, and affording aid in such exceptional cases as those already mentioned, and also the receiving and disbursing of funds for those objects.

2. That, in recommending this course of action, the General Assembly distinctly declare that it is not their intention thus to establish an Ecclesiastical Board or to interfere with the proper functions of the Home Missionary Society, but, as heretofore, they recommend that society to the confidence and co-operation of the churches under their care.

3. That the Standing Committee on Church Extension, now constituted, shall consist of fifteen members, to be chosen by the Assembly in such manner as the Assembly may direct, and the Committee shall at its first meeting divide itself into three equal parts, to serve respectively one, two and three years, but the same persons shall be re-eligible at the pleasure of the Assembly.

4. Five members of the Committee shall be a quorum; but in order to elect any salaried officer of the Committee or to increase or diminish the salary of the same, a majority of the Committee shall be necessary to constitute a quorum. The Committee shall have power to fill any vacancies occurring while the Assembly is not in session, and they shall make an annual report to the Assembly of all their proceedings.—1855, p. 21, N. S.

See further, New Digest, pp. 371–375, and Minutes N. S. 1862, p. 252. The Constitution of the Presbyterian Committee of Home Missions may be found in 1861, pp. 466–469, N. S. The Charter is as follows:

An Act to incorporate the Presbyterian Committee of Home Missions of the General Assembly of the Presbyterian Church in the United States of America, passed April 18, 1862.

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Edwin F. Hatfield, Albert Barnes, Benjamin J. Wallace, George L. Prentiss, Thomas S. Hastings, Charles S. Robinson, Joseph Allison, Jonathan F. Stearns, Henry Darling, Edward A. Lambert, Joseph F. Joy, Matthew W. Baldwin, James B. Pinneo, J. Milton Smith and Alfred C. Post (designated for the purpose by the General Assembly of the Presbyterian Church, which met in Syracuse, New York, in May, eighteen hundred and sixty-one), and their successors in office, are hereby constituted a body corporate and politic, by the name of the "Presbyterian Committee of Home Missions," the object of which shall be to assist in sustaining the preaching of the gospel in feeble churches and congregations in connection with the Presbyterian Church in the United States, and generally to superintend the whole course of home missions in behalf of the said Church, as its General Assembly may from time to time direct; also to receive, take charge of and disburse any property or funds which at any time and from time to time may be entrusted to said Church or said Committee for home missionary purposes.

Sec. 2. The said corporation shall possess the general powers and be subject to the

provisions contained in title three of chapter eighteen of the first part of the Revised Statutes, so far as the same are applicable and have not been repealed or modified.

SEC. 3. The management and disposition of the affairs and funds of said corporation shall be vested in the individuals named in the first section of this Act and their successors in office, who shall remain in office for such period and be displaced and succeeded by others, to be elected at such time and in such manner as the said Church represented in General Assembly shall direct and appoint.

SEC. 4. The said corporation shall be in law capable of taking, receiving and holding any real or personal estate which has been or may hereafter be given, demised or bequeathed to it, or to the said Church, for the purposes aforesaid, or which may accrue from the use of the same; but the said corporation shall not take and hold real and personal estate above the value of two hundred thousand dollars.

SEC. 5. No inhabitant of this State who shall die, leaving a wife, child or parent, shall devise or bequeath to the corporation hereby created more than one-half of his or her estate after the payment of his or her debts, but a devise or bequest by such inhabitant shall be valid to the extent of such one-half; in no case, however, shall any devise or bequest to such corporation be valid in any will made by any inhabitant of this State which shall not have been made and executed at least two months before the death of the testator or testatrix.

SEC. 6. This Act shall take effect immediately.

STATE OF NEW YORK,
OFFICE OF THE SECRETARY OF STATE.

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom, and the whole of the said original law.

{ L. S. } Given under my hand and seal of office at the city of Albany, this third day of May, in the year one thousand eight hundred and sixty-two.

J. WESLEY SMITH,
Deputy Secretary of State.

I. THE BOARD OF HOME MISSIONS OF THE PRESBYTERIAN CHURCH IN THE UNITED STATES OF AMERICA.

a. The unfinished business was resumed, viz., the report of the Joint Committee on Home Missions, which, after protracted discussion, was adopted, as follows:

The Joint Committee appointed by the two Assemblies of 1869 to arrange for the consolidation of the "Board of Domestic Missions" and "The Committee of Home Missions," would respectfully report that, in full attendance, they have given the subject with which they were charged their most careful deliberation.

Some things pertaining to the proposed new organization were very readily adjusted, as appears in the following recommendations, adopted with entire unanimity, viz.:

1. The name to be "The Board of Home Missions of the Presbyterian Church in the United States of America."

2. That this Board consist of fifteen members, five constituting a quorum.

3. That the Board be authorized to appoint one secretary, with so much assistance as the Board may deem necessary.

After proceeding so far, your Committee were advised by eminent legal counsel that, inasmuch as the Board and Committee now existing hold their respective charters from different States, legislative action in the States of Pennsylvania and New York would be necessary before the contemplated consolidation could be effected, so that the property now held by the one could legally and safely be transferred to the other. As instructed by counsel, your Committee cannot see any mode in which this General Assembly itself, without further legislation, can create such a consolidated

Board, or will be competent in law to execute the trusts imposed on the existing corporate bodies in wills or other writings heretofore executed.

As necessary steps to the obtaining of such necessary legislation as is suited to the case, your Committee report the following recommendations, to wit:

1. That this Assembly should designate the locality in which the chief operations of the new Board shall be carried on, and in which the principal office for that purpose shall be located.

2. That a Committee be appointed by this Assembly, whose duty it shall be to endeavor to procure all the legislation required by the exigencies of the case, and direct the transfer of property now held by the two bodies above described, on receiving the opinion of competent counsel that the authority of the new body is perfect.

3. Meantime, till such a result has been reached, that both of the existing organizations should be kept up in the form required by their respective charters.—1870, p. 54.

The following places were then named for the location of the Board of Home Missions, viz., Philadelphia and New York; whereupon the roll was called, and New York was chosen, by a vote of 306 for New York, and 153 for Philadelphia.—*Ib.*, p. 55.

The action of the Assembly adopting the report of the Joint Committee on Home Missions was reconsidered, and the number of members of the Board changed from twenty (20) to fifteen (15), and the number of corresponding secretaries from one (1) to two (2).

The Rev. Henry Kendall, D. D., and the Rev. Cyrus Dickson, D. D., were by acclamation elected corresponding secretaries, and Mr. Samuel D. Powel treasurer, of the Board of Home Missions, it being expressly understood that this was not to be considered as a precedent by any future Assembly.—1870, p. 100.

6. Applications for Aid to be by Ballot.

The following resolution was adopted by the General Assembly in 1872:

Resolved, That, in order to the most fair appropriation of church funds, this Assembly hereby recommend to the Presbyteries that in the case of any and every application for aid from any of the Boards or Committees, the vote thereon be taken by ballot, both as to the application and as to the amount, except where the matter is legally in the hands of a presbyterial Committee.—p. 36.

CHARTER OF THE BOARD OF HOME MISSIONS OF THE PRESBYTERIAN CHURCH IN THE UNITED STATES OF AMERICA.

An Act to incorporate "The Board of Home Missions of the Presbyterian Church in the United States of America," and to enable the Presbyterian Board of Home Missions, formerly the Presbyterian Committee of Home Missions, to transfer its property to said new corporation, and to vest in such new corporation the corporate rights, franchises and privileges of the former body, and also to enable said new corporation to accept a transfer of the property of "The Trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America," and to become the legal successor of the said last mentioned corporation.—*Passed April* 19, 1872.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. George L. Prentiss, Thomas S. Hastings, William M. Paxton, William C. Roberts, J. F. Stearns, Henry J. Van Dyke, James O. Murray, Edward A. Lambert, Jacob D. Vermilye, George W. Lane, Thomas C. M. Paton, Joseph F. Joy, Robert L. Kennedy, George R. Lockwood, John Taylor Johnston (designated for this purpose by the General Assembly of the Presbyterian Church in the United States of America, which met in Chicago, in the State of Illinois, in May, eighteen hundred and seventy-one, and which is the legal successor of the two religious bodies thereto-

fore existing under that same name), and their successors in office, chosen from time to time by the said General Assembly, are hereby constituted a body politic and corporate by the name of "The Board of Home Missions of the Presbyterian Church in the United States of America," the object of which shall be to assist in sustaining the preaching of the gospel in feeble churches and congregations in connection with the Presbyterian Church in the United States, and generally to superintend the whole work of Home Missions in behalf of said Church, as the General Assembly may from time to time direct, also to receive, take charge of and disburse all property and funds which at any time and from time to time may be entrusted to said Church or said Board for Home Missionary purposes.

SECTION 2. The said corporation shall possess the general powers, and be subject to the provisions, contained in title three of chapter eighteen of the first part of the Revised Statutes, so far as the same are applicable and have not been repealed or modified.

SECTION 3. The management and disposition of the affairs and property of said corporation shall be vested in the persons named in the first section of this Act, and their successors in office, who shall remain in office for such period, and be removed and succeeded by others chosen at such time and in such manner, as the said General Assembly of the Presbyterian Church in the United States of America shall from time to time direct and appoint.

SECTION 4. The said corporation shall be in law capable of taking, receiving and holding any real or personal estate which has been or may hereafter be given, demised or bequeathed to it or to the said Church for the purposes aforesaid, or which may accrue from the use of the same, subject, however, to all the provisions of law relating to devises and bequests by last will and testament; but the said corporation shall not take and hold real and personal estate, the annual rental or income of which shall exceed the sum of two hundred thousand dollars.

SECTION 5. The Presbyterian Committee of Home Missions, incorporated under the laws of this State by an Act passed on the eighteenth day of April, eighteen hundred and sixty-two, the name of which was changed to that of the Presbyterian Board of Home Missions by an act passed on the twentieth day of January, eighteen hundred and seventy-one, are hereby authorized to assign, transfer, convey and deliver unto the corporation created by this act all property, estate and rights of any and every description now held or enjoyed by them, and which may hereafter be received by them by virtue of any grant, gift, bequest or devise, or otherwise howsoever, which assignment, transfer, conveyance and delivery the corporation established by this Act is hereby authorized and empowered to accept and receive, and the said corporation hereby created shall be and is hereby declared to be the legal successor of the said Presbyterian Board of Home Missions, formerly the Committee of Home Missions, and shall have, hold, use and enjoy all the corporate powers, franchises and privileges of the said corporation last named, and all the property, estates and rights so assigned, transferred, conveyed and delivered in the same manner and to the same extent as the said corporation last named might have done, and shall be entitled to receive, sue for and recover all legacies, devises, bequests and property which have heretofore been or may hereafter be made or given to the said corporation last named; provided, however, and it is hereby expressly declared, that the said corporation created by this Act shall receive and hold the said property, estates and rights upon the same trusts, and for the same purposes only, as the same are or otherwise would be held by the said Presbyterian Board of Home Missions, formerly the Presbyterian Committee of Home Missions.

SECTION 6. Whenever the requisite power shall be given by the proper authority of the State of Pennsylvania to the Trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America, a corporation created and established and now existing under the laws of the said State of Pennsylvania, to assign, transfer, convey and deliver unto the corporation created by this Act, all the property, estates and rights of any and every description, held or enjoyed, or which may be hereafter held or enjoyed, by the said corporation first named in this section, by virtue of any gift, grant, bequest or devise, or otherwise howsoever; then the said corporation hereby created is hereby authorized to accept and receive the assignment, transfer, conveyance and delivery aforesaid, and shall be and is hereby declared to be the legal successor of the said Trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America, and shall have, hold, use and enjoy all the corporate powers, franchises and privileges of the said corporation last named, and all the property, estates and rights which may be so assigned, transferred, conveyed and delivered, in the same manner and to the same extent as the said corporation last named might have done,

and shall be entitled to receive, sue for and recover all legacies, devises, bequests and property which have heretofore been or may hereafter be made or given to the said corporation last named; provided, however, and it is hereby expressly declared, that the said corporation created by this Act shall receive and hold the said property, estates and rights upon the same trusts, and for the same uses and purposes only, as the same are or otherwise would be held by the said Trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America, heretofore created by virtue of the laws of the State of Pennsylvania; and it is hereby further provided and declared that all the grants, conveyances, devises and bequests, which after the several assignments, transfers and conveyances hereinbefore authorized to be made to the corporation created by this Act, shall have been made and completed as hereinbefore directed, shall be made or which shall purport to be made to the Presbyterian Committee on Home Missions, or to the Trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church hereinbefore named, shall be deemed and taken to be made to the corporation hereby created with the same effect as if made to such new corporation hereby created.

SECTION 7. This Act shall take effect immediately.

STATE OF NEW YORK,
OFFICE OF THE SECRETARY OF STATE. } *ss.*

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom, and of the whole of said original law.

Given under my hand and seal of office, at the city of Albany, this twenty-
[L. S.] fourth day of April, in the year one thousand eight hundred and seventy-two.

ANSON S. WOOD,
Dep. Secretary of State.

An Act to authorize the Trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America to transfer the property held by them to the Board of Home Missions of the Presbyterian Church in the United States of America, and to declare the latter corporation to be the legal successor of the former.

Whereas, The two religious bodies heretofore existing, each under the name of the General Assembly of the Presbyterian Church in the United States of America, have united the congregations under their care, and the General Assembly of the Church thus united which met in Philadelphia on the nineteenth day of May, eighteen hundred and seventy, and which is the legal successor of both the former bodies, has directed that the Home Missionary work previously carried on under the direction of the said two bodies shall be hereafter carried on under its direction by one Board;

And Whereas, The Legislature of the State of New York has for the purpose aforesaid incorporated the Board of Home Missions of the Presbyterian Church in the United States of America; *Therefore*,

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, that the Trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America be and they are hereby authorized to grant, assign, transfer, convey and deliver all property, estates and rights, real, personal and mixed, of every kind and description, now held or enjoyed by them, and which may hereafter be received, held or enjoyed by them, in any manner whatsoever unto the said the Board of Home Missions of the Presbyterian Church in the United States of America, which Corporation is hereby declared to be the legal successor of the said the Trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America; and shall have, hold, use and enjoy all the corporate powers, franchises and privileges of the said corporation last named, and all the property, estates and rights which shall be so granted, assigned, transferred, conveyed and delivered in the same manner and to the same extent as the said Corporation last named might have done (including the power to convey, assign and transfer the same), and shall be entitled to receive, sue for and recover all legacies, devises, bequests and property which have heretofore been or may hereafter be made, given or granted to the said corporation last named; *Provided, however*, and it is hereby expressly declared, that the said the Board of Home Missions of the Presbyterian Church in the United States of America shall receive and hold the said property and estates, or the proceeds thereof, if sold, upon the same trusts and for the same uses and purposes only, as the same are or otherwise would be held by the said Trustees of the Board of Do-

mestic Missions of the General Assembly of the Presbyterian Church in the United States of America; and it is hereby further provided and declared that all grants, conveyances, devises and bequests which shall be made, or purport to be made, to the said Corporation last named shall be deemed and taken to be made to the said the Board of Home Missions of the Presbyterian Church in the United States of America with the same effect as if made directly thereto.

W. ELLIOTT,
Speaker of the House of Representatives.
GEO. H. ANDERSON,
Speaker of the Senate.

Approved the twenty-ninth day of January, Anno Domini one thousand eight hundred and seventy-three. J. F. HARTRANFT.

OFFICE OF THE
SECRETARY OF THE COMMONWEALTH,

HARRISBURG, February 7, A. D. 1873.

PENNSYLVANIA, *ss.*

L. S.

I do hereby certify, That the foregoing and annexed is a full, true and correct copy of the original Act of the General Assembly, entitled "An Act to authorize the Trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America to transfer the property held by them to the Board of Home Missions of the Presbyterian Church in the United States of America, and to declare the latter Corporation to be the legal successors of the former," as the same remains on file in this office.

In testimony whereof, I have hereunto set my hand and caused the seal of the Secretary's office to be affixed the day and year above written.

M. S. QUAY,
Secretary of the Commonwealth.

THE BOARD OF FOREIGN MISSIONS.

1. The Constitution.

The Committee on the overture from the Presbytery of Salem on the subject of foreign missions made a report, which was accepted and adopted by yeas and nays, as follows, viz.:

Resolved, 1. That the General Assembly will superintend and conduct, by its own proper authority, the work of Foreign Missions of the Presbyterian Church, by a Board appointed for that purpose and directly amenable to said Assembly.

2. The General Assembly shall, at its present meeting, choose forty ministers and forty laymen, as members of the Board of Foreign Missions, one-fourth part of whom shall go out annually in alphabetical order, and thereafter ten ministers and ten laymen shall be annually elected as members of the Board of Foreign Missions, whose term of office shall be four years, and these forty ministers and forty laymen so appointed shall constitute a Board to be styled "The Board of Foreign Missions of the Presbyterian Church in the United States of America," to which for the time being shall be entrusted, with such directions and instructions as may from time to time be given by the General Assembly, the superintendence of the foreign missionary operations of the Presbyterian Church. This Board shall make annually to the General Assembly a report of their proceedings, and submit for its approval such plans and measures as may be deemed useful and necessary.

3. The Board of Directors shall hold their first meeting at such time and place as may be directed by the present General Assembly, and shall hold a meeting annually at some convenient time during the sessions of the General Assembly, at which it shall appoint a President, Vice-president, a Corresponding Secretary, a Treasurer and an Executive Committee, to serve for the ensuing year. It shall belong to the Board of Directors to review and decide upon all the doings of the Executive Committee, to receive and dispose of their annual report, and to present a statement

of their proceedings to the General Assembly. It shall be their duty also to meet for the transaction of business as often as may be expedient, due notice of every special meeting being seasonably given to every member of the Board.

4. To the Executive Committee, consisting of not more than nine members besides the corresponding secretary and the treasurer, shall belong the duty of appointing all missionaries and agents, of designating their fields of labor, receiving the reports of the corresponding secretary, and giving him needful directions in reference to all matters of business and correspondence entrusted to him, to authorize all appropriations and expenditures of money, and to take the particular direction and management of the foreign missionary work, subject to the revision and control of the Board of Directors. The Executive Committee shall meet at least once a month, and oftener if necessary; five members meeting at the time and place of adjournment or special call shall constitute a quorum. The Committee shall have power to fill their own vacancies, if any occur during the recess of the Board of Directors.

5. All property, houses, lands, tenements and permanent funds belonging to the said Board of Foreign Missions shall be taken in the name of the Trustees of the General Assembly, and held in trust by them for the use and benefit of "The Board of Foreign Missions of the Presbyterian Church in the United States of America" for the time being.

6. The seat of operations of the Board of Directors shall be designated by the Board.

7. The Board of Directors shall have power, and they are hereby authorized, to receive a transfer of the Foreign Missionary Societies, or either of them, now existing in the Presbyterian Church, with all the missions and funds under the care of and belonging to such societies. [Yeas, 108; nays, 29.]—1837, p. 452.

Resolved, That the Board of Foreign Missions be directed to hold their first meeting in the First Presbyterian Church in the city of Baltimore on Tuesday, the 31st of October next, at three o'clock P. M.—*Ibid.*, p. 453.

2. Alterations in the Constitution.

a. Resolved, That the Constitution of the Board of Foreign Missions be so altered as to make the number of members 120 instead of 80.—1838, p. 21.

b. Resolved, That the general agent of the Board of Missions be *ex officio* a member of the Executive Committee.

c. Resolved, That the Board be authorized to increase the number of vice-presidents to twelve.—1839, p. 165.

d. Resolved, That at all meetings of the Board of Foreign Missions of the Presbyterian Church, thirteen members meeting at the time and place of adjournment or special call shall be a quorum for the transaction of business.—*Ibid.*, p. 170.

e. A request from the Board of Foreign Missions to the Assembly to amend the fourth article of the Constitution of the Board, by adding after the word "Treasurer" in the second line the following: "With as many members of the Board as may be present." On motion, the amendment was adopted.—1845, p. 25.

3. The Committee on Foreign Missions.

[The N. S. Assembly co-operated with the American Board of Commissioners for Foreign Missions up to the time of the reunion. In 1854 (see p. 511) a Standing Committee of five ministers was appointed, which in 1856 (see p. 212) was enlarged to fifteen, and they were requested to

divide the Committee "into three classes, one of which shall be elected annually by the Assembly." In 1865 the Permanent Committee obtained a charter from the Legislature of New York, which will be found below.]

Upon the reunion the Assembly adopted the following as—

4. The Organization of the Board of Foreign Missions.

The Board of Foreign Missions shall hereafter consist of fifteen members besides the corresponding secretaries and the treasurer, who shall be members *ex officio*.

The term of service of the present members of the Board, the Executive Committee and the Permanent Committee shall end with the first meeting of the Executive Committee after the dissolution of the General Assembly, when a new Board shall be constituted.

This Assembly will select fifteen members of the Board in three classes of five each. The first shall serve three years, the second class two years and the third class one year.

Each subsequent General Assembly shall elect five members of the Board to hold office for three years, and shall fill any vacancies in either of the other classes for the unexpired term of service.

Any five members of the Board shall form a quorum.

One of the *ex officio* members, to be designated by the Board, shall be entitled to a seat in the General Assembly as a corresponding member on all subjects relating to Foreign Missions.

Besides the duties already committed to their charge, the Board shall perform the duties heretofore assigned to the Executive Committee of the Board and to the Permanent Committee on Foreign Missions, in so far as these have not been superseded or modified by this minute.—1870, p. 46.

5. Alterations Necessitated by Legislation.

The Committee further report that on the 12th of March, 1872, the following Act was passed by the New York Legislature in relation to trustees and directors of charitable and benevolent institutions:

SECTION 1. No trustee or director of any charitable or benevolent institution, organized either under the laws of the State or by virtue of a special charter, shall receive, directly or indirectly, any salary or emolument from said institution, nor shall any salary or compensation whatever be voted or allowed by the trustees or directors of any institution organized for charitable or benevolent purposes to any trustee or director of said institution for services either as trustee or director or in any other capacity.

In view of the above Act, the Committee recommend the adoption of the following resolution:

In view of the Act of the Legislature of New York concerning charitable and benevolent institutions, passed March 12, 1872, that the Constitution of the Board of Foreign Missions be so changed that the executive officers shall hereafter be consulting members only, without the right to vote, but having the right to propose resolutions and discuss all matters before that body; and further, that the quorum necessary to transact business be reduced to *four*.—1872, p. 42.

6. The Charters.

a. An Act to incorporate the Permanent Committee on Foreign Missions of the General Assembly of the Presbyterian Church in the United States of America.—Passed April 17, 1865.

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. R. Russell Booth, George Duffield, Alfred E. Campbell, John McLeod, John A. Brown, Joseph N. Tuttle, William E. Dodge, Walter Clarke, Daniel W. Poor, T. Ralston Smith, Thomas Bond, Walter S. Griffith, William Churchill, Edward A. Lambert and Jesse W. Benedict (designated for that purpose by the General Assembly of the Presbyterian Church, which met at Dayton, Ohio, in May, eighteen hundred and sixty-four), and their successors in office, are hereby constituted a body corporate and politic, by the name of "The Permanent Committee on Foreign Missions of the General Assembly of the Presbyterian Church in the United States of America," whose duty it shall be to superintend the whole cause of foreign missions in behalf of the said General Assembly as said General Assembly may from time to time direct; also, to receive, take charge of and disburse any property or funds which at any time and from time to time may be entrusted to said General Assembly, or said Permanent Committee, for foreign missionary purposes.

SEC. 2. The said corporation shall possess the general powers and be subject to the provisions contained in title three of chapter eighteen of the first part of the revised statutes, so far as the same are applicable and have not been repealed or modified.

SEC. 3. The management and disposition of the affairs of said corporation shall be vested in the individuals named in the first section of this Act, and their successors in office, who shall remain in office for such period, and be displaced and succeeded by others, to be elected by said General Assembly, and at such time and in such manner as the said General Assembly shall direct and appoint.

SEC. 4. The said corporation shall in law be capable of taking and recovering and holding any real or personal estate which has been or may hereafter be given, devised or bequeathed to it or to the said General Assembly for the purposes aforesaid (and in conformity with existing statutes), or which may accrue from the use of the same; but the said corporation shall not take and hold real and personal estate above the sum of two hundred and fifty thousand dollars.

SEC. 5. This Act shall take effect immediately.

b. Charter of the Board of Foreign Missions.

An Act to incorporate the Board of Foreign Missions of the Presbyterian Church in the United States of America.—Passed April 12th, 1862. Chapter 187.

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Walter Lowrie, Gardiner Spring, William W. Phillips, George Potts, William Bannard, John D. Wells, Nathan L. Rice, Robert L. Stuart, Lebbeus B. Ward, Robert Carter, John C. Lowrie, citizens of the State of New York, and such others as they may associate with themselves, are hereby constituted a body corporate and politic for ever, by the name of the Board of Foreign Missions of the Presbyterian Church in the United States of America, for the purpose of establishing and conducting Christian missions among the unevangelized or pagan nations and the general diffusion of Christianity; and by that name they and their successors and associates shall be capable of taking by purchase, grant, devise or otherwise, holding, conveying or otherwise disposing of any real or personal estate for the purposes of the said corporation, but which estate within this State shall not at any time exceed the annual income of twenty thousand dollars.

SEC. 2. The said corporation shall possess the general powers, rights and privileges, and be subject to liabilities and provisions, contained in the eighteenth chapter of the first part of the revised statutes so far as the same are applicable, and also subject to the provisions of chapter three hundred and sixty of the laws of eighteen hundred and sixty.

SEC. 3. This Act shall take effect immediately.

III. THE BOARD OF EDUCATION.—See above, chap. xiv., sec. i. 3.

IV. THE BOARD OF PUBLICATION.

1. The Board Established.

Whereas, Sabbath-school and tract publications cannot fail to exert a very great influence upon the growth of our Church and country; and whereas, it is the duty of the highest judicatory of the Church to exercise

such a supervision over this subject as will secure the diffusion of sound and scriptural principles for "the promotion of charity, truth and holiness," through all the churches under our care; therefore,

Resolved, 1. That the General Assembly will superintend and conduct, by its own proper authority, the work of furnishing the churches under its care with suitable tract and Sabbath-school publications, by a Board appointed for that purpose, and directly amenable to said Assembly.

2. The General Assembly shall, at its present meeting, choose forty ministers and forty laymen as members of the tract and Sabbath-school Board, one-fourth part of whom shall go out annually, in alphabetical order, and thereafter ten ministers and ten laymen shall be annually elected as members of the Tract and Sabbath-school Board, whose term of office shall be four years; and these forty ministers and forty laymen so appointed shall constitute a Board, to be styled "The Board of Publication of Tracts and Sabbath-school Books of the General Assembly in the United States of America," to which for the time being shall be entrusted such directions and instructions as may from time to time be given by the General Assembly, the superintendence of all the operations of the Presbyterian Church in relation to the subject of tracts and Sabbath-school books. The Board shall make annually to the General Assembly a report of their proceedings, and submit for its approval such plans and measures as shall be deemed useful and necessary.

3. The Board of Managers shall hold their first meeting at such time and place as may be directed by the present General Assembly, and shall hold a meeting annually, at some convenient time during the sessions of the General Assembly, at which time it shall appoint a President, Vice President, a Corresponding Secretary, a Treasurer and an Executive Committee to serve for the ensuing year. It shall belong to the Board of Managers to review and decide upon all the doings of the Executive Committee; to receive and dispose of their annual report, and to present any statement of their proceedings which they may judge proper and necessary to the General Assembly. It shall be their duty, also, to meet for the transaction of business as often as may be expedient, due notice of every special meeting being seasonably given to every member of the Board.

4. To the Executive Committee, consisting of not more than nine members besides the corresponding secretary and treasurer, shall belong the duty of selecting and preparing suitable tracts and books for publication; of superintending and directing their distribution; of receiving the reports of the corresponding secretary, and giving him needful directions in reference to matters of business and correspondence entrusted to him; of authorizing all appropriations of money; and of taking the particular direction and management of the whole subject of tract and Sunday-school publications, subject to the control and direction of the Board of Managers. The Executive Committee shall meet at least once a month, and oftener, if necessary; five members meeting at the time and place of adjournment or special call, shall constitute a quorum, except that the approval of a majority of the whole Committee shall be necessary to direct the publication of any tract or book. The Committee shall have power to fill their own vacancies, if any occur during the recess of the Board.

5. All property, houses, lands, tenements and permanent funds belonging to the said tract and Sabbath-school Board shall be taken in the name of the trustees of the General Assembly, and held in trust by them for the use and benefit of "The Board of Publication of Tracts and Sabbath-school Books of the General Assembly of the Presbyterian Church in the United States of America," for the time being.

6. The seat of operations of the Board of Managers shall be in the city of Philadelphia.

7. The Board of Managers shall have power, and they are hereby authorized, to receive a transfer of "The Presbyterian Tract and Sabbath-school Book Society," now under the care of the Synod of Philadelphia, with all the tracts, books and funds belonging to said society.—1838, p. 23, O. S.

2. Alterations and Enlargements of the Plan.

a. Resolved, That the name of the Board for the Publication of Tracts and Sabbath-school Books be changed to the name of *The Presbyterian Board of Publication*, and that its Constitution be so altered as to require said Board to publish not only tracts and Sabbath-school books, but also approved works in support of the great principles of the Reformation, as exhibited in the doctrines and order of the Presbyterian Church, and whatever else the Assembly may direct.

Resolved, 3. That the third article of the Constitution of the Assembly's Board of Publication be amended by adding to it the following clause, viz.: "*Eleven* members shall constitute a quorum for the transaction of business."

Resolved, 4. That the fourth article of the Constitution of the Board be so altered as to provide that "the Executive Committee shall consist of nine members besides the Corresponding Secretary and Treasurer."

Resolved, 5. That to this Board be committed, on behalf of the General Assembly, the publication of such works, permanent and periodical, as are adapted to promote sound learning and true religion.—1839, p. 170, O. S.

b. Resolved, That article third of the Constitution of the Presbyterian Board of Publication be so amended as to read as follows, viz.:

ART. III. The Board of Managers shall hold their first meeting at such time and place as may be directed by the present General Assembly, and shall hold a meeting annually on the second Tuesday in June, at which time it shall appoint a President, Vice President, a Corresponding Secretary, a Treasurer, a Recording Secretary and an Executive Committee to serve for the ensuing year.—1853, p. 449, O. S. See also Baird, Rev. Ed., pp. 418–421.

3. The Publication Committee.

For history of preliminary action of the Assembly, N. S., from 1846 onward, see New Digest, p. 394.

The Committee Appointed, its Powers and Duties.

a. To promote the diffusion of those truths which distinguish us as a Church, the General Assembly adopts the following arrangement:

1. There is hereby established at Philadelphia a Standing Committee of nine persons whose duty it shall be to superintend the publication of a series of tracts explanatory of the doctrines, government and missionary policy of the Presbyterian Church, as the General Assembly shall from time to time direct. One-third of this Committee shall serve for one year, one-third for two years, and the remaining third for three years, the election to fill the places of those whose terms expire to be held at each meeting of the General Assembly.

2. This Committee shall elect a Secretary and Treasurer, the former of whom shall receive such a salary per annum as shall be agreed upon by

the Committee, and shall be the editor of the tracts published, and also, as far as may be necessary, the soliciting agent for such an amount of funds as may be required to carry out the objects for which this Committee is appointed.

3. It shall be the duty of this Committee to meet at Philadelphia, and after due organization to take measures to procure the preparation and publication in cheap, neat and substantial form of a series of tracts for the purposes above stated. No tract to be published which does not receive the unanimous approbation of the Committee.

4. This Committee shall, if consistent with the interests of the Assembly, enter into a contract with some publisher or publishers to assume for a time the publication of such tracts as may be furnished them at certain rates, which shall be agreed upon in writing. And if no such arrangement can be profitably and satisfactorily made, then the said Committee shall by solicitation from the churches proceed to provide a sufficient fund for their publication in behalf of the Assembly.

5. This Committee shall make a full report of its proceedings to the General Assembly at each annual meeting.—1852, p. 176, N. S.

b. 2. That the Rev. George Chandler and Samuel H. Perkins, Esq., of Philadelphia, be added to the Committee.

3. That the rule requiring the unanimous consent of the Committee for the publication of any book or tract be so modified that a majority of three-fourths only shall be required.

4. That the Committee be authorized to take such measures as they may deem advisable to secure the necessary funds for the erection of a house of publication.—1853, p. 330, N. S.

c. Your Committee further recommend that the Publication Committee be enlarged to the number of fifteen, nine of whom shall reside in the city of Philadelphia or vicinity; that of this number five shall constitute a quorum for ordinary business, whose sittings shall be in the city of Philadelphia, but nothing shall be authorized for publication, issued or endorsed by said Committee, except by a majority of its members. All publications to issue simultaneously in the two cities of New York and Philadelphia with the *imprimatur* of the Committee.—1854, p. 508.

The number of members was fixed at *fifteen*, divided into three classes, five going out of office yearly.—1854, p. 508.

4. Name Changed to "The Presbyterian Publication Committee."

—1855, p. 13, N. S.

5. Works of a General Evangelical Type to be Published.

Resolved, That the Publication Committee be encouraged to publish not only such works as may present the peculiarities of our branch of the Christian Church in doctrine and practice, but from time to time such works of an evangelical character as may be profitable to the Church at large.—1857, p. 410, N. S.

6. The Trustees of the Presbyterian House Authorized and Directed to Act as Trustees of the Publication Committee.

Resolved, By the General Assembly of the Presbyterian Church in the United States of America, that "The Trustees of the Presbyterian House" be and they hereby are authorized and directed to act in their corporate capacity as trustees of the Permanent Committee of this Assembly, called "The Presbyterian Publication Committee," as fully and in the same

manner as if "The Presbyterian Publication Committee" were themselves constituted a corporation by the same authority which incorporated "The Trustees of the Presbyterian House."—*Ibid.*, p. 410. See further New Digest, pp. 394–404, and Minutes, 1861–1869, N. S.

7. The Board of Publication Organized, 1870.

The unfinished business, viz., the report of the Joint Committee on Publication, was resumed, and, after amendment, was adopted as follows, viz.:

The Special Committee of five from each of the recent branches of the Church, appointed "to take into consideration the affairs" of the Publication Board and Committee of said branches, and to "recommend to the Assembly of the united Church what changes are required" in said Board and Committee, respectfully report:

That they have endeavored to give the matter referred to them that earnest and prayerful consideration which its importance demands.

They regard the work of the Church to be prosecuted through this agency as scarcely second to that of any of our Boards. It is not only closely related to our missionary enterprises, but is itself, in many of its aspects, a missionary work. Its aim is the dissemination of vital truth, both among congregations already established and among the people who are never reached by the heralds of salvation. It is at once auxiliary to the ministry and of itself a ministry. Every tract is, or should be, a message from God. Every Sunday-school book should be a preacher of righteousness.

To effect this work involves a liberal use of money, of mind, and of every resource committed by God to human hands.

The first necessity is a central house of publication, which should be endowed with every appliance needed for the preparation and the diffusion of religious literature. Economy, of course, should be studied. It is not, in our view, essential that large sums be invested in the machinery of publication, such as presses and binderies. The use of this machinery can be commanded without purchase. But it is essential that a proper house be provided for the transaction of the business of this agency, and for the issue and circulation of its literature. The buildings erected for this purpose, and now under the control of the Assembly, are wholly inadequate. Both are small and ill-arranged. Neither has been found sufficient for the wants of the Church as divided; the work before the Church as united will be vastly greater than has ever yet been attempted. It is believed, also, that, so far as possible, all the operations of the united Church conducted from Philadelphia should be concentrated under one roof. The house of publication should be virtually a Presbyterian house, a centre and a home for the denomination, a rallying-point for all the interests of the Church which the Assembly in its wisdom may localize in this city. The advantages of such a concentration in facilitating the transaction of the business of the Church, in promoting the general convenience, and in fostering a proper denominational life and spirit, are too obvious to require remark. But to effect this a new and extensive building must be erected; and it is believed that the recognition of this necessity by the Assembly will so enlist the sympathy of the Church as to secure the ready accomplishment of the plan submitted in the subjoined resolutions.

The second necessity is an efficient Board and proper officers. The Board should be constituted, we believe, of a comparatively small number of thoroughly practical, wise and energetic men, all of whom can be relied upon to attend the meetings of the Board, and to devote their personal attention to its operations. This number should be larger than may

be required by the other Boards of the Church, inasmuch as its work will necessitate several sub-committees. It should be also somewhat larger than may be required by the constitution of these sub-committees, in order that vacancies in the Committees themselves may be readily filled by men of experience, and in order that perplexing questions may be submitted to the wisdom of a full council; yet the number should not be so large as to weaken a sense of individual responsibility.

Experience has proved that a few men, each of whom can be easily reached, all of whom have a vital interest in the trusts confided to them, will perform any given labor more efficiently than a large Board whose members are so diffused as to be seldom collected, or as to forget the claims of a duty whose immediate field is far away.

The officers of this Board should be men adapted to their sphere, carefully selected, in number sufficient to conduct the business placed in their hands, and so remunerated that they can devote their entire time and energies to the work. The Board should also be empowered to employ such other assistants as in their judgment may be required.

The third necessity is the maintenance of a force of colporteurs sufficiently large to reach the outlying population of the land by the gospel, and to prepare the way for the establishment of churches wherever they may be made permanent and effectual. Provision should also be made for the supply of Sunday-school libraries and of the general literature of the Board on the liberal terms of an enlarged Christian benevolence.

The fulfillment of these conditions will be found to require some changes, notwithstanding the admirable manner in which this work has been conducted hitherto. Our beloved Church has already accomplished so much in the direction indicated that we can refer to its past operations with just thanksgiving; but, while we think no great and radical changes in this department of our Christian work are desirable, the day has now come for an enlargement of all our plans—a fresh and more vigorous movement in the development of a spirit of enterprise for Christ.

God's promises were always full. His providence now calls us to new faith in the promises, and to a new consecration to that work with which the fulfillment of the sure and glorious prophecy is associated.

We therefore respectfully recommend the adoption, by this General Assembly, of the following resolutions as comprehending the changes in our judgment required in order to the union and reorganization of the Presbyterian Board of Publication and the Presbyterian Publication Committee, viz.:

Resolved, 1. The said Board and Committee are hereby united under the name and title of the "Presbyterian Board of Publication."

2. The said Board shall henceforth be composed of forty-eight members, one half of whom shall be ministers and one half laymen. These members shall be divided into three classes, one class, containing eight ministers and eight laymen, after the present year to be elected annually by the General Assembly for a term of three years.

3. In order to an immediate and thorough reorganization of the Board, all persons now members of the Board and the Committee are discontinued, and their membership ceases, and the following persons, taken in equal numbers from each of the late branches, are recommended to fill the three classes.

For the class whose term shall expire in May, 1871:

Ministers.—Alexander Reed, D. D., J. Grier Ralston, D. D., Robert M. Patterson, Thomas Murphy, Peter Stryker, D. D., Stephen W. Dana, Richard H. Allen, D. D., William T. Eva.

Laymen.—Henry E. Thomas, John Sibley, James T. Young, H. Lenox Hodge, M. D., Edward R. Hutchins, M. D., William L. Hildeburn, William E. Camp, Horatio B. Lincoln.

For the class whose term shall expire in May, 1872:

Ministers.—George F. Wiswell, D. D., John W. Dulles, Daniel March, D. D., H. Augustus Smith, Willard M. Rice, D. D., F. Reck Harbaugh, Matthew B. Grier, D. D., Matthew Newkirk.

Laymen.—George W. Simons, Joseph Allison, LL.D., Henry M. Paul, Edward Miller, James Ross Snowden, John D. McCord, Gilbert Combs, Gustavus S. Benson.

For the class whose term shall expire in May, 1873:

Ministers.—William P. Breed, D. D., William E. Schenck, D. D., David A. Cunningham, Benjamin L. Agnew, Zephaniah M. Humphrey, D. D., William E. Moore, Thomas J. Shepherd, D. D., Herrick Johnson, D. D.

Laymen.—Morris Patterson, Winthrop Sargent, Archibald McIntyre, George Junkin, Samuel C. Perkins, William E. Tenbrook, Robert N. Wilson, Alexander Whilldin.

4. The said Board shall hold at least four regular meetings in the course of each year, in the months of June, October, January and April. Its first meeting shall be held at 821 Chestnut street, at four o'clock P. M., on the second Tuesday of June of the present year.

5. The executive officers of the Board shall be a secretary or secretaries, whose titles and duties shall be defined by the Board, and a Treasurer.

6. All other internal arrangements necessary for carrying out the purposes of its organization shall be made by the Board of Publication after its reorganization.

7. Each Presbytery is directed to appoint one or more of its members a Presbyterial Publication Committee; which Committee shall, in that Presbytery, supervise the work of securing an annual collection for this Board from each of its churches; shall search out and recommend to the Board suitable persons to act as colporteurs; shall correspond with the Board in reference to its work in that Presbytery; and shall do whatever else may tend to promote the work and interests of the Board, and to secure a thorough distribution of the Board's publications within and throughout the bounds of the Presbytery.

8. All the property, of every kind, now owned by the "Presbyterian Board of Publication" and by the "Presbyterian Publication Committee," or held by any Board of Trustees for the use and benefit of either of them, is hereby directed to be united, and placed in possession of "The Trustees of the Presbyterian Board of Publication," incorporated by the Legislature of the State of Pennsylvania, and whose charter was approved by the governor of that State on the 13th day of February, A. D. 1847. And in order that the late two branches of the Presbyterian Church, now happily reunited, may have, as nearly as possible, an equal representation in said Board of Trustees of the Presbyterian Board of Publication (there now being enough vacancies by death and resignation to effect the changes proposed), the Board of Publication is directed, at its next meeting in the month of June, to elect the following persons to be members of this Board of Trustees:

For one year—Alexander Whilldin, Samuel C. Perkins, Archibald McIntire.

For two years—Morris Patterson, William E. Tenbrook.

For three years—George Junkin, James Ross Snowden and Robert N. Wilson.

9. The "Trustees of the Presbyterian House" are hereby directed to convey, by a good and sufficient legal title, to "The Trustees of the Presbyterian Board of Publication," the house and lot, Nos. 1334 and 1336 Chestnut street, now occupied by the Presbyterian Publication Committee in part as a book-store, and any other property now in their possession, or which may hereafter come into their possession, for the use of the Presbyterian Publication Committee. And should any legal difficulties be found in the way of making such a conveyance or transfer, then "The Trustees of the Presbyterian House" and "The Trustees of the Presbyterian Board of Publication" are hereby directed to procure, as speedily as possible, such special enactments from the Legislature of this State, or decrees of any courts of competent jurisdiction, as shall remove those difficulties.

10. The General Assembly recommends the Board of Publication, as soon as practicable after its reorganization, to sell its house and lot, No. 821 Chestnut street, and to provide a larger house, adequate to its now extended operations, and to the prospective growth of its business, on the premises Nos. 1334 and 1336 Chestnut street, or in that vicinity.

11. In order that the above recommendation may be carried out, so as to provide ample accommodations for the Board's future business, and for all other Presbyterian interests in this city, it is recommended that the sum of one hundred thousand dollars be raised among our churches and people for the erection and equipment of said Presbyterian house, and all contributions made thereto shall be recognized as a part of the offering of five millions of dollars which it was at Pittsburg resolved to raise.

12. All the Committees and officers of the Board of Publication, and of the Publication Committee, are requested to continue to perform their respective duties as at present, until otherwise directed by the newly-organized Board of Publication.

13. The Board of Publication and the Publication Committee are directed to submit to the next General Assembly, and each year thereafter, a full statement of the property of said Boards, consisting of real estate, copy-rights, books, paper, plates and any other assets, with an estimate of the value thereof.—1870, pp. 113–116.

8. The Sabbath-school Work of the Board.—Three Branches.

a. 1st. That the Board of Publication be instructed so to enlarge its arrangements as to make the Sabbath-school work a prominent and organic part of its operations; and that it is exceedingly desirable that the entire congregations in our churches, old and young, be permanently connected with the Sabbath-school, either as scholars or teachers.

2d. That the Board, so enlarged in the sphere of its operations, keep before it these three branches of the Sabbath-school work:

(A.) To furnish a complete literature for Sabbath-schools, consisting of its own and other well-selected books for libraries, helps of all kinds for the study of the Scriptures and catechism, periodicals for teachers and scholars, and all other apparatus fitted to give efficiency to the work of teaching.

(B.) To establish such agencies as it may deem suitable for elevating the standard of teaching, and more thoroughly developing the great idea of Sabbath-schools—that of imparting the knowledge of God to the young and drawing them to the salvation of Christ.

(C.) In appointing colporteurs, as far as possible, to select such persons as may also be suitable for Sabbath-school missionaries, and instruct them to establish Sabbath-schools in destitute localities, under the supervision of the Presbyteries.

3d. That the churches be urged to contribute more largely to the missionary fund of this Board, to meet the increased expense which the working of this branch of its operations will demand.—1871, p. 524.

b. In the Sabbath-school department the instructions of the last Assembly have been carried out. A general superintendent has been appointed —Mr. J. Bennet Tyler—who in January last entered upon his duties, has performed much preparatory work, and everywhere found interest and sympathy with the plans of the Assembly. To the Westminster series of Sabbath-school lessons for teachers and scholars three numbers have been added, in continuation of a plan which embraces a full curriculum of Bible study.—1872, p. 20.

9. Charter of the Board.

An Act to Incorporate "The Trustees of the Presbyterian Board of Publication."

Whereas, The General Assembly of the Presbyterian Church in the United States of America have a Board of Publication composed of ministers and laymen of the Presbyterian Church, the design of which is "the publication of such works, permanent or periodical, as are adapted to promote sound learning and true religion;"

And Whereas, The aforesaid Board of Publication labors under serious disadvantages as to receiving donations and bequests, and as to the management of funds entrusted to them for the purpose designated in their Constitution, and in accordance with the benevolent intentions of those from whom such bequests and donations are received; Therefore,

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, that Matthew Newkirk, James N. Dickson, William S. Martien, James B. Ross, Archibald McIntyre, Joseph B. Mitchell, Alexander W. Mitchell, M. D., Robert Soutter, Jr., and James Dunlap, citizens of the United States and of this Commonwealth, and their successors, are hereby constituted and declared to be a body politic and corporate, which shall henceforth be known by the name of "The Trustees of the Presbyterian Board of Publication," and as such shall have perpetual succession, and be able to sue and be sued in all courts of record, and elsewhere; and to purchase and receive, take and hold, to them and their successors, for ever, lands, tenements, hereditaments, goods, money and chattels, and all kinds of estate which may be devised, or bequeathed, or given to them; and the same to sell, alien, demise and convey; also to make a common seal, and the same to alter and renew at their pleasure; and also to make such rules, by-laws and ordinances as may be needful for the government of the said corporation, and not inconsistent with the Constitution and laws of the United States, and of this State; Provided, always, that the clear yearly income of the real estate held by the said corporation shall not at any time exceed the sum of five thousand dollars.

SEC. 2. The Trustees above named shall hold their offices for one year from the date of this incorporation, and until their successors are duly qualified to take their places; who shall be chosen by the aforesaid Board of Publication, at such times and in such manner as shall be provided by the said General Assembly of the Presbyterian Church in the United States of America, provided not more than one-third of the Trustees shall be removed in any one year.

SEC. 3. The Trustees hereby incorporated, and their successors, shall (subject to the direction of the said Board of Publication) have full power to manage the funds and property committed to their care, in such manner as shall be deemed most advantageous, and not contrary to law.

JAMES COOPER,
Speaker of the House of Representatives.
CH. GIBBONS,
Speaker of the Senate.

Approved the thirteenth day of February, one thousand eight hundred and forty-seven.
FR. R. SHUNK.

V. THE TRUSTEES OF THE CHURCH ERECTION FUND.

1. The Organization.

The report of the Joint Committee on Church Erection was adopted, as follows:

In entering on their work the Committee found that the trusteeship of the Church Erection Fund was a chartered institution, formed under the laws of the State of New York, and possessed of a permanent fund of $126,000, more or less, of which about $90,000 were invested in interest-bearing securities in the State of New York, and the remainder in various liabilities given by feeble churches which had been aided. They also learned that, in accordance with certain amendments of the plan passed by the General Assembly which met at St. Louis in 1866, the system of loans had been abandoned, and a so-called Supplementary Fund created, to consist of the yearly interest of the Permanent Fund, together with such sums as should be raised by the annual contributions of the churches, all of which, in absolute donations, to be devoted to the current demands of the work. This Board of Trustees, having charge of both the Permanent and the Supplementary Fund by the terms of the charter, consists of nine members residing in New York or its vicinity, and are elected in classes from year to year by the General Assembly, according to the chartered rules prescribed.

On the other hand, the Committee learned that the Board of Church Extension, having its centre of operations in St. Louis, Mo., was without a charter and without permanent funds, holding only current receipts appropriated and unappropriated, together with certain temporary investments in real estate; that the said Board of Church Extension was therefore free from any legal obstacles which might prevent a change either of location or of name, or stand in the way of its being united under the charter of the organized and localized Board of Church Erection.

In view of these considerations the Joint Committee do respectfully and unanimously recommend—

1. That the operations of the United Church be carried on under the charter of "The Trustees of the Church Erection Fund of the Presbyterian Church in the United States of America," and that its location be continued in the city of New York.

2. That the members of the Board be chosen impartially from both branches of the Church, that their number be twenty-one, consisting of ten ministers and eleven laymen acting in connection with the Presbyterian Church, and that the entire Board so formed be expected to meet at least once a year.

3. That fifteen members, seven ministers and eight laymen, shall reside in the city of New York or its vicinity; that at an early day an amendment of the charter be obtained, authorizing these fifteen local members to act as trustees of the fund, but until such change shall be secured nine of the fifteen members shall continue to hold the said trusteeship under the provisions now existing.

4. That six members of the Board, three ministers and three laymen, shall be chosen from the West. This recommendation is made in view of the fact that certain properties held by the Board of Church Extension are temporarily located in Missouri, and require a local supervision. It also seems desirable that the Board shall have representatives on the ground who may secure those grants of land which are so freely offered for church purposes by railroad and town companies throughout the West, also to have special oversight in the matter of insurance on church prop-

erties—a matter of great importance, in which it is feared there is at present great neglect.

5. That a secretary be appointed who shall reside in New York, and whose functions shall be similar to those of the present secretaries of Church Erection and Church Extension; also that the Board shall have authority to appoint an additional secretary and define his duties.

6. While the Committee appreciate and would earnestly encourage all local efforts to build churches and chapels in the cities and in Presbyteries by special contributions, they unanimously recommend that the Assembly take the most efficient measures to secure an annual contribution from all the churches for the general work of the Board. The suburbs of our large cities must be cared for, but at the same time the demands of the great wastes of the continent are most imperative upon the whole Church.

In conclusion, the Committee would express the hope that this department of the Church work, so fundamental to all permanent success, may be brought into greater prominence and receive a larger degree of favor and support. It should be not merely a passive resource to which the needy may resort for a stinted dole, but a powerful aggressive agency arousing and stimulating the Church to substantial conquest everywhere in the cities, on the prairies, along the railroads and on the far-off shores of the Pacific. In view of the fact that legal questions might arise in connection with some of the points in this report, Messrs. S. T. Bodine and J. C. Havens were appointed to consult legal authorities thereupon, and report to the Committee at a subsequent meeting.

The Committee then adjourned to meet in the First Presbyterian Church of Philadelphia during the sessions of the General Assembly.

At a conference of certain members of the Joint Committee, held in Philadelphia since the sessions of the General Assembly began, a quorum not being present, Mr. Samuel T. Bodine reported that he had consulted proper authorities in regard to legal points in the above report, and had obtained the following opinions:

1. That the Church Erection Fund, located by charter in the State of New York, would be embarrassed if not imperiled by any change in the place of business.

2. That at an early day steps should be taken to secure a change in the charter, raising the number of trustees from nine to twenty-one, of whom five shall constitute a quorum for the transaction of business.

3. That fifteen of the twenty-one members of the Board, namely, seven ministers and eight elders, should reside in the city of New York or its vicinity.—1870, p. 116.

2. The Plan for the Custody, Care and Management of the Church Erection Fund, as Adopted by the Assembly of 1854 and Amended by the Assembly of 1866, N. S.

Preamble.

The General Assembly of the Presbyterian Church in the United States of America having, through the liberality of the congregations connected with this body, established a Fund for the purpose of aiding feeble congregations in erecting houses of worship, do hereby adopt the following plan under which this Fund shall be held, administered and used:

Article I.

The Fund having been committed to the General Assembly as a special trust, no part of it as now established, nor any additions which may

hereafter be made to it, shall ever be used for any other purpose than that of aiding feeble congregations in connection with the General Assembly in erecting houses of worship, except so much as may be absolutely necessary to defray the expenses incident to the administration of this plan.

Article II.

The custody, care and management of this Fund, and of all securities of every kind belonging to it or growing out of it, together with all claims, dues and property that may at any time pertain to it, and all additions that may hereafter be made to it by donations, bequests or otherwise, shall be committed to a Board of Trustees, to be called "The Trustees of the Church Erection Fund of the General Assembly of the Presbyterian Church in the United States of America." The Board shall consist of twenty-one members, being ministers and elders in connection with some Presbytery or Church under the care of the General Assembly, who shall reside in the city of New York or its immediate vicinity, and whom the General Assembly shall elect by ballot on a nomination to be made at least one day before such election. The trustees shall continue in office until the election and induction of their successors. The certificate of the stated clerk of the General Assembly shall be necessary to entitle a trustee to take his seat as a member of the Board, which certificate it shall be his duty to furnish as soon as practicable after the election.

The trustees first elected shall arrange themselves into three equal classes. The term of office of the first class shall expire in one year from their election, that of the second class in two years, and that of the third class in three years. After the first election, the General Assembly shall annually elect trustees to supply the place of the class whose term is about to expire, to hold their office for three years, the same persons always being re-eligible; and each General Assembly shall also by election supply any vacancy in the Board caused by death, resignation or otherwise. If any trustee shall, during the term for which he is elected, cease to be connected with a Presbytery or Church under the care of the General Assembly, he shall thereby cease to be a member of the Board, and the vacancy shall be reported to the next General Assembly.

Article III.

The first meeting of the Board shall be held on the second Tuesday of June next, in the city of New York, at such place and hour as the stated clerk of the General Assembly may appoint, who shall preside until the Board is organized by the choice of its president.

Article IV.

The Board shall make their own By-Laws. They shall annually, at their first meeting after the adjournment of the General Assembly, elect one of their number President of the Board, and shall appoint a Secretary and a Treasurer, who shall give security to the Board for the faithful performance of his duties. They shall keep complete books of record and account, in which shall be recorded all their proceedings, and the true state at all times of all matters relating to this Fund, which records and accounts, or any part of them, shall at all times be open to the inspection of any Committee appointed by the General Assembly for this purpose. They shall also keep full and correct copies and files of all the correspondence which may be conducted or received by them or in their name, and shall annually present to the General Assembly, not later than the

third day of its sessions, a full report of their proceedings and of the state of the Fund, together with any suggestions or recommendations which they may deem necessary or suitable.

Article V.

The Board are hereby directed, either by procuring a special act of the Legislature of the State of New York, or in accordance with the existing statutes of said State, to incorporate themselves and their successors in office, always to be elected, as aforesaid into a body corporate and politic, invested with all such legal powers as may be necessary to enable them to hold and administer this Fund in conformity with the provisions of this plan.

Article VI.

The Board is directed to invest and to keep at interest on sufficient security the Fund as now established, and as the same shall hereafter be increased by gift, bequest or otherwise.

Article VII.

The Board shall prepare blank forms of all such legal and other papers as may be required for the proper distribution and management of the Fund and accruing interest; the forms so prepared and furnished, and none others, shall be used in all matters and transactions relating to the Fund to which they may be applicable. They shall designate such legal advisers within the bounds of each Synod as, by a correspondence with the Church Extension Committees of the Synods, may be found desirable, to examine all certificates of title and all conveyances and other documents connected with the donation of any part of the accruing interest, including a careful investigation in regard to the legal incorporation of the Board of Trustees of the congregations concerned, and they shall further have power to appoint an agent in each Synod, and to require that all payments of money that may become due to this Fund shall be made to such agent.

Article VIII.

In order to be entitled to the use of any portion of the accruing interest, each Synod connected with the General Assembly shall annually elect a Committee on Church Extension, consisting of at least five members. The stated clerk of the Synod shall, immediately after the election of the said Committee, transfer to the President and Secretary of the Board his certificate of such election, giving the name and residence of each member.

Article IX.

All applications for aid shall be made, in the first instance, to the Committee on Church Extension of the Presbytery to which the applicants belong, or within whose bounds they are situated. Every such application shall be in writing, and shall particularly state, The location of the house or site for its erection; the number of families or persons attached to the congregation or that propose to unite in building a house of worship; the description of the house which they propose to build, with its estimated and probable cost, or the description and cost of the house and lot owned by the congregation; the amount of reliable subscriptions which have been obtained, and how much has been paid thereon; the amount of available means possessed by the congregation, if any; whether

the congregation is in debt, and if so to what amount and when the same becomes due; and also any other facts which may aid the Committee of the Synod in judging of the application. This application shall be accompanied by the certificate of one of the legal advisers of the Board that the title to the lot on which the house is to be built is vested in said congregation, and is free from all legal encumbrance and liability.

Article X.

If the Committee of the Synod, to whom application for aid has been made as above provided, shall, after a careful examination into the condition and prospects of the congregation so applying, be satisfied that such congregation have done all that should reasonably be expected of them, and that with the aid which can be afforded from the accruing interest, and the voluntary contributions hereinafter mentioned, they can build or possess a house of worship adapted to their wants and be free from indebtedness, then the Committee shall sign a certificate addressed to the Board, stating the application, and that they have examined and approve of it, and also stating the amount which it is proper to donate to the congregation. This certificate, together with the application made to the Committee of the Synod, shall be transmitted to the Board. On the receipt thereof, in due form, the Board shall as soon as practicable, if the application is granted, forward the necessary papers, to be executed by the trustees of the congregation, and to be approved by their legal adviser, or some other attorney proposed by the congregation and accepted by the Board. When the papers so executed, approved and properly recorded are returned to the Board, they shall authorize the treasurer of the trustees of the congregation, or any other person duly appointed by them for this purpose, to draw on the Treasurer of the Board for the amount thus applied for and donated.

Article XI.

The Board shall not in any case donate any portion of the accruing interest to any congregation, unless such congregation own in fee simple and free from all legal encumbrance the lot on which their house of worship is situated, or on which they propose to build, nor shall any donation be made for the payment of any debt, except that which may have been contracted within one year previous in erecting a house of worship.

The sum donated to any congregation shall never be more than one-third of the amount contributed and secured by them for the house and lot.

The condition of all donations from this source shall be that, in case the church or congregation shall cease to be connected with the General Assembly, or their corporate existence shall cease, or their house of worship be alienated except for the building or purchase of a better house of worship, they shall refund to the Board the amount which they have so received, with interest from the time of receiving it.

The fulfillment of the above condition shall, in all cases, be secured by the bond of the trustees of the congregation, and a mortgage on their house and lot made in favor of the Board, which bond and mortgage, duly executed and recorded, shall always be placed in the possession of the Board before any money is paid over to the congregation.

Article XII.

In accepting this trust and adopting this plan, the General Assembly hereby declares that the first article shall admit of no alteration or amend-

ment, and that no change shall be made in any other part of the plan by any future General Assembly, except by an affirmative vote of two-thirds of all the members whose names have been entered upon the roll.

Supplementary Article.

As supplementary to this plan, and in order to enable the Board fully to meet all the reasonable demands of feeble congregations for aid in erecting houses of public worship, the General Assembly earnestly recommends all the congregations within its bounds to take up annual collections and transmit them to the Treasurer of the Board, to be appropriated by said Board, and distributed by gift for the objects contemplated in the plan, and on the conditions and limitations prescribed therein.

And the better to secure this end, it shall be the duty of the Board to present with their annual report an estimate of the amount probably needed for the ensuing year, together with the facts and reasons upon which such estimate is based, in order that the Assembly may determine the amount it will recommend the churches to raise by voluntary contribution.

It was further *Resolved*, That the plan of Church Erection now adopted be put into operation upon, and take effect from, the first day of August, 1866.—1866, pp. 254–258.

3. Charter of the Church Erection Fund.

An Act to incorporate the Trustees of the Church Erection Fund of the General Assembly of the Presbyterian Church in the United States of America.—Passed March 31, 1855.

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Samuel T. Spear, Asa D. Smith, Edwin F. Hatfield, James W. McLane, Walter S. Griffith, Oliver H. Lee, Norman White, William E. Dodge and Stephen H. Thayer (designated for the purpose by the General Assembly of the Presbyterian Church which met in Philadelphia, in May, 1854), and their successors in office, are hereby constituted a body corporate and politic, by the name of "The Trustees of the Church Erection Fund of the General Assembly of the Presbyterian Church in the United States of America," for the purpose of aiding feeble congregations in connection with the said General Assembly in erecting houses of worship, and by that name they and their successors shall and may have perpetual succession; provided, that no money shall be furnished by said corporation for the erection of any house of worship in any State or territory, in which there shall exist at the time a law for the incorporation of religious societies, the title to which is not held by a religious corporation under and according to the laws of the respective States or territories in which such places of worship are located; provided, also, that the title shall in no instance be vested in any priest, bishop or other ecclesiastic.

Sec. 2. The said corporation shall possess the general powers, and be subject to the provisions, contained in title 3 of chap. xviii. of the 1st part of the Revised Statutes, so far as the same are applicable and have not been repealed or modified.

Sec. 3. The management and disposition of the affairs and funds of said corporation shall be vested in the individuals named in the 1st section of this Act, and their successors in office, who shall remain in office for such period, and be displaced and succeeded by others, to be elected at such time and in such manner as the said General Assembly shall direct and appoint; and such election shall be made, and the said funds shall be held and administered, invested and disposed of, for the purposes aforesaid, in conformity with the provisions of the plan adopted by the said General Assembly.

Sec. 4. The said corporation shall in law be capable of taking, receiving and holding any real or personal estate which has been or may hereafter be given, devised or bequeathed to them for the purpose of their incorporation, or which shall accrue from the use of said fund; but the said corporation shall not take and hold real and personal estate above the sum of two hundred and fifty thousand dollars.

SEC. 5. This Act shall take effect immediately.

STATE OF NEW YORK,
SECRETARY'S OFFICE.

I have compared the preceding with the original law on file in this office, and I do hereby certify that the same is a correct transcript therefrom, and of the whole of such original.

Given under my hand and seal of office, at the City of Albany, this second day of April, 1855.

[L. S.]

A. G. JOHNSON,
Dep. Secretary of State.

THE CHARTER AMENDED.

An Act to amend an Act entitled "An Act to incorporate the Trustees of the Church Erection Fund of the General Assembly of the Presbyterian Church in the United States of America," passed March 31, 1855.—Passed March 27, 1871.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of the "Act to incorporate the Trustees of the Church Erection Fund of the General Assembly of the Presbyterian Church in the United States of America," passed March thirty-first, eighteen hundred and fifty-five, is hereby amended so as to read as follows:

§ 1. Joseph Fewsmith, John Thompson, Elijah R. Craven, Norman Seaver, John Hall, Charles A. Dickey, Frank F. Ellinwood, Morris C. Sutphen, Henry R. Wilson, Samuel J. Niccolls, Joseph R. Skidmore, Frederick G. Burnham, Jonathan C. Havens, Otis D. Swan, George W. Lane, John P. Crosby, Winthrop S. Gilman, Nathan Lane, Hezekiah King, Russell Scarritt, James M. Brauner (designated for the purpose by the General Assembly of the Presbyterian Church which met in Philadelphia in May, eighteen hundred and seventy), and their successors in office, are hereby constituted a body corporate and politic, by the name of "The Board of the Church Erection Fund of the General Assembly of the Presbyterian Church in the United States of America," for the purpose of aiding feeble congregations in connection with the said General Assembly in erecting houses of worship, and by that name they and their successors shall and may have perpetual succession; provided, that no money shall be furnished by said corporation for the erection of any house of worship in any State or territory, in which there shall exist at the time a law for the incorporation of religious societies, the title to which is not held by a religious corporation under and according to the laws of the respective States or territories in which such places of worship are created; provided, also, that the title shall in no instance be vested in any priest, bishop or other ecclesiastic.

§ 2. All acts done by said Trustees, in the proper performance of their trust, since their designation by said General Assembly, are hereby ratified and confirmed.

§ 3. This Act shall take effect immediately.

STATE OF NEW YORK,
OFFICE OF THE SECRETARY OF STATE, } ss.

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom, and of the whole of the said original law.

Given under my hand and seal of office, at the city of Albany, this first day of May, in the year one thousand eight hundred and seventy-one.

[L. S.]

D. WILLERS, JR.,
Dep. Secretary of State.

VI. RELIEF FUND FOR DISABLED MINISTERS, AND THE WIDOWS AND ORPHANS OF DECEASED MINISTERS.

a. The Assembly of 1849, O. S., adopted the following, viz.:

Whereas, There are many disabled and superannuated ministers in connection with the Presbyterian Church, and widows and families of Presbyterian ministers who are in indigent circumstances, and as the Church increases their number is likely to increase; and whereas it is the duty of the Church to provide for those who have devoted their time and spent

their energies in her service, and also for their families; and whereas no local provision can effectually meet this object, and no efficient general provision has ever yet been made; therefore,

Resolved, 1. That in order to constitute a fund for the support of the widows and families of deceased ministers, and for the relief of superannuated and disabled living ministers, it is hereby enjoined upon all our Synods and Presbyteries to take such action as may secure a contribution annually.

Resolved, 2. That a column be added to the table of Statistical Reports for these contributions.

Resolved, 3. That the funds thus contributed be placed in the hands of the Board of Trustees of the General Assembly, to be disbursed by the Board of Publication upon the recommendation of Presbyteries, as the funds for Domestic Missions, Education and Church Extension are now appropriated.

Resolved, 4. That in order to the founding of a permanent fund for this same object, special contributions and legacies be invited from all parts of the Church, the principal of which shall be safely invested by the Board of Trustees of the General Assembly, and the interest to be added to the general fund provided for in a foregoing resolution.—1849, p. 266, O. S.

Overture No. 25. A request from the Board of Publication, in answer to which the following minute was ordered, at the recommendation of the Committee, viz.:

The duty of disbursing the fund in aid of superannuated and disabled ministers and their families is hereby transferred from the Board of Publication to the trustees of the General Assembly.—1852, p. 224, O. S.

On a report of the trustees the Assembly adopted the following, viz.:

1. *Resolved*, That it be earnestly recommended to the Presbyteries to take such action in regard to this matter as will tend to bring up the Church to the performance of her duty in regard thereto.

2. *Resolved*, That every minister and church session be earnestly requested to present this subject to their congregation during the coming year, and obtain a contribution to the object; which contribution shall be transmitted to the treasurer of the Board of Trustees of the General Assembly, to be disbursed in an economical way, and upon an equitable ratio, upon application made through the Presbytery to which the party applying for relief naturally belongs, or a Committee of that Presbytery; the Board to report to the next General Assembly.—1856, p. 533, O. S.

A Committee was also appointed to digest and report to the next Assembly a scheme for future operations.

[See the report.—1857, p. 218.]

b. The Assembly of 1861, N. S., in answer to an overture from the Presbytery of the District of Columbia, "On the subject of raising a fund to be applied to the aid of disabled ministers and their families," appointed a Committee, to report to the next Assembly a plan of operations.—1861, p. 473. The Committee was enlarged and continued (1862, p. 38); discharged and a new Committee appointed (1863, p. 280). This Committee reported (1864, pp. 497–502), and the following was adopted:

Resolved, 1. That a fund, to be called "The Ministerial Relief Fund," for the relief of disabled ministers of good and regular standing, in connection with this body, and the families of ministers who have deceased while in our connection, be constituted, to be supplied by annual collections in all our churches, donations and legacies.

Resolved, 2. That in order to constitute and maintain such fund, it is

hereby enjoined upon all our Presbyteries to take such action as shall secure from every church an annual contribution thereto.

Resolved, 3. That this fund be entrusted to the trustees of the Presbyterian House, to be by them disbursed upon the recommendation of Presbyteries, upon such principles and rules of distribution as they shall deem most equal and beneficial.

Resolved, 4. That for the special oversight and care of the interest thus committed to them, the trustees are authorized to appoint a secretary, prescribe his duties and determine his salary.—1864, p. 502, N. S.

That every Presbytery be directed to appoint a Standing Committee, whose duty it shall be to inquire into the necessities of disabled ministers, and of the widows and orphans of those deceased, with a view of bringing the cases of such to the notice of the Executive Committee of the Relief Fund.—1865, p. 30, N. S.

1. The Present Organization.

THE RELIEF FUND FOR DISABLED MINISTERS, AND THE WIDOWS AND ORPHANS OF DECEASED MINISTERS, is committed by the Assembly to the Board of Trustees of the General Assembly, according to the following:

The report of the Joint Committee on Ministerial Relief was taken from the docket, amended and adopted as follows:

The Joint Committee appointed to take into consideration the affairs of the Fund for Disabled Ministers and their Families, and of the Ministerial Relief Fund, respectfully report to the Assembly that they have attended to the duty assigned them, and that they unanimously recommend the adoption of the following resolutions:

1. That the fund be designated "The Relief Fund for Disabled Ministers and the Widows and Orphans of Deceased Ministers."

2. That the "Trustees of the General Assembly" shall annually, at as early a day as practicable after the rising of the Assembly, elect a secretary and a treasurer, and four of their number, who, for the present year, shall be a Committee to take charge of the management of this fund.

3. That the trustees of the General Assembly be recommended to continue in office the present secretaries of the two funds, the one to be the secretary of the Relief Fund and the other to be the treasurer.

4. That the "Trustees of the Presbyterian House," and the "Trustees of the General Assembly," be directed to pay the income accruing from investments held by them respectively for the purposes of this fund to the treasurer of the Relief Fund.—1870, p. 123.

2. The Funds are Disbursed according to the following Rules, approved by the Assembly of 1871.

1. The stated meetings of the Committee shall be held on the 3d Tuesday of each month, at four o'clock P. M., unless otherwise ordered.

A special meeting may be called at any time by the chairman, or, in case of his absence, at the request of any two members of the Committee.

2. All appropriations must be made on the recommendation of that Presbytery to which the applicant most naturally belongs, or of a Standing Committee of that Presbytery. Only members of the Presbyteries in connection with the General Assembly, and the families who were at their death in such connection, are entitled to aid.

3. Appropriations are made for one year; and if aid is continued, the recommendations must be renewed from year to year.

4. Applications for aid should, in the case of a minister, state his age, his circumstances, and the number of years he has been in the ministry; and in the case of a deceased minister's family, the application should state the circumstances of the widow, and the sex and ages of the orphan children who are dependent on her for support.

5. While the responsibility of recommending applicants rests with the Presbyteries, and shall largely govern the action of the Committee, yet the Committee reserves to itself the right to appropriate according to the merits of each case and the state of the treasury.

6. Ordinarily, appropriations shall be made semi-annually in two equal installments.

VII. THE PRESBYTERIAN COMMITTEE OF MISSIONS FOR FREEDMEN.

1. The Plan Adopted in 1870.

In view, therefore, of all the papers submitted, and of the whole subject as we have been able to examine it, your Committee would recommend the adoption of the following resolutions, to wit:

Resolved, 1. That the Assembly's Committee on Freedmen, and the Freedmen's Department of the Presbyterian Committee of Home Missions, and their secretaries, are hereby commended for their fidelity and energy in the prosecution of the work committed to their charge, that their reports be printed for circulation in the churches, and that they be directed to continue the work until the reorganization is completed.

Resolved, 2. That the work of the Presbyterian Church for the colored race in this country, including both their religious and educational interests, shall be conducted by a Committee to be located in the city of Pittsburg, Pa., to be known by the name, style and title of "The Presbyterian Committee of Missions for Freedmen," and that this Committee shall consist of twelve members, of whom five shall be a quorum, to meet on their own adjournment.

Resolved, 3. That this Committee be directed to organize on Thursday, June 16th, at 3 o'clock P. M., in the lecture-room of the First Presbyterian Church of Pittsburg, Pa., and that the Stated Clerk of the Assembly be directed to give official notice to the members of their election.

Vacancies occurring in this Committee, by resignation or otherwise, may be filled by the Committee (until the meeting of the next Assembly) at any regular meeting, of which election due notice has been given.

Resolved, 4. That the Assembly's Committee on Freedmen, and the Freedmen's Department of the Presbyterian Committee of Home Missions, are hereby directed, on the organization of this Committee, or at as early a time as can be done safely, to transfer to the Committee of Missions for Freedmen all papers, documents, moneys and properties then in their hands or under their control pertaining to the work; and further, these organizations are continued as at present constituted for the purpose of receiving and paying over to the Committee of Missions for Freedmen all moneys which may come into their hands for this work by legacy or otherwise.

Resolved, 5. That the Assembly recommend to the Boards of the Church to co-operate with the Committee of Missions for Freedmen in conducting its work.

Resolved, 6. That in view of the fact that only one-third of our churches contributed to this cause during the past year, each Presbytery be required to appoint a Committee of one, whose duty it shall be, by correspondence

or otherwise, to see that this cause is brought before each church for its generous contribution.

To conclude: In the judgment of your Committee, the great need of the Freedmen to-day is a supply of competent preachers and teachers, raised up from among themselves. For help in this matter we look with hope to Lincoln University, at Oxford, Pa.; to Biddle Memorial Institute, at Charlotte, N. C.; to the Normal School of Winchester, Va.; and to other similar institutions established by our Church. We urge especially the necessity of providing schools where females may enjoy advantages that may enable them to keep pace with the other sex in intellectual and moral elevation.

The Committee beg leave to nominate the following persons to constitute the Presbyterian Committee of Missions for Freedmen:

Ministers.—James Allison, D. D., Samuel J. Wilson, D. D., John Gillespie, Peter S. Davies, Frederick A. Noble, Elliot E. Swift.

Laymen.—Joseph Albree, John C. McComb, Robert C. Totten, Oliver McClintock, James B. Lyon, George B. Logan.—1870, p. 105.

VIII. THE SUSTENTATION FUND.

In the Assembly of 1870 overtures relating to the Sustentation Fund were referred to a Committee consisting of M. W. Jacobus, D. D., Walter Clark, D. D., James McCosh, D. D., Hon. Wm. Strong, Hon. Nathaniel Ewing and Hugh McAllister, to report to the next Assembly.—1870, pp. 28 and 31. In 1871 the Assembly adopted the following—

Scheme of Sustentation.

I. That all the charges throughout the Church be divided into two classes—"*Full Pastoral Charges*" *and* "*Church Extension (or Mission) Charges.*" The former comprising such as have pastors and are sufficiently advanced to pay a salary of $500, provided only that this be equal to the minimum hereinafter named for the membership; the latter class to include all such charges as have stated supplies, and such pastorates as pay less than $500 *per annum* of salary or less than the minimum rate per member. Only the former class are at present to come under the Sustentation Scheme for aid. The latter class, if needy, are to be under the care of the Board of Home Missions, until they are advanced to full pastoral charges, and are so certified by vote of Presbytery as entitled to aid under this scheme.

This does not leave the smaller pastorates and stated supply charges unprovided for; they are classed as more or less *incipient* and experimental, and they are to be treated as exceptional and special. They require aid according to their case, sometimes even more aid for the time than this scheme proposes.

The propriety of thus beginning with pastoral charges, already somewhat developed, is: 1st. That *all* cannot be aided by this scheme at the outset. 2d. A beginning is made with those who are in regular ecclesiastical relation, in hope of thus aiding to bring to an end the anomalous and disorderly system of stated supplies, that it may give place to the pastoral relation in the great majority of cases; and 3d. This will encourage new churches to spring up in prospect of such help as they advance.

II. The aim of this Sustentation Scheme shall be to make the *minimum* of salary in the full pastoral charges $1000 per annum. At present the annual value of the *manse* shall be included in this, but ultimately, and so soon as possible, $1000 in *money* shall be the minimum, it being always

understood that the pastor shall be wholly employed in his work, and that no grant shall be made without the endorsement of the Presbytery.

This is not "*equalizing salaries*," it is only aiming to establish a fair minimum, and by the plan this is so far subject to the inspection of the Presbytery in any case that it is not granted except on the presbyterial endorsement. It is, therefore, not likely in any instance to be excessive. The figure is believed to be only fair. If, in some cases, a smaller sum might answer, because of a less numerous or less expensive household, this may be reserved for the Presbytery to indicate; but who will say that it is too much, if a boy-clerk or average mechanic may claim as much and more?

But, on the other hand, much of this sustentation work is to be done by bringing those churches which are now delinquent up to their proper rate of contribution to the pastoral support. Here the Presbytery may lawfully insist, for every call which is presented by the hand of the Presbytery to a pastor contains an obligation to pay him a certain sum, "*in order that he may be free from worldly cares and avocations.*" The sum, then, ought in all fairness to meet this end. The Presbytery may so require. It is their duty to search into the transaction just at this point, and to demand that this admitted obligation be faithfully complied with. We have estimated that a moderate rate would be an average of *two cents per day* for each member of the church, or $7.30 per annum—not that each member should actually give this amount, but that, some more and some less, the membership, aided by the congregation, should contribute an average equal to this. This average rate from the entire membership would give every minister in the church a salary of one thousand dollars. Accordingly, it is hereby provided—

III. That only those churches shall be at present entitled to aid from the Sustentation Fund who are paying the pastor an average of $7.30 per annum for each member.

This is not discriminating unfairly against poor charges, for very few cases will be found where this rate cannot be reached with a little enlargement of view and a little self-denial of the people. They who cannot reach it will come under the Board of Home Missions for aid as church extension charges.

This proviso aims to screw up one very loose part of our financial machinery. Not a few churches are reported in our farming districts, of 200, 300 and over of members, where the salary does not exceed $600 or $800, less than $3 per member, and even down to $1.50. It is believed that in many cases this is from sheer parsimony, while in exceptional cases of weak and struggling churches it is all that can at present be done, and such will be aided by the Home Mission Board as candidates for the full pastoral charge. An incentive will thus be furnished to the smaller churches to increase their *pro rata* of contribution, so as to come within the scope of this provision, and the liability to abuse is reduced to a minimum, because by the conditions (of $500 salary and $7.30 *pro rata*) those aided are the young and enterprising churches who pay the largest *pro rata*, while the aid ceases so soon as they reach 135 members. (We find, by calculation, that of those between $500 and $1000 salary the larger portion pay the largest average salary, but the smallest *pro rata*, and that the smallest membership pay the largest percentage.)

IV. It is further provided, That each Presbytery be enjoined by the General Assembly, through the Synod, to investigate immediately the case of all churches having over 200 members who are paying less than $1000 salary, and that, unless good and sufficient cause can be shown for the lack, those churches be enjoined to raise the amount to an average

of $7.30 per member as the fair minimum for the pastor, and that all cases of flagrant neglect be treated by the Presbytery as the case may be, reporting the same to the Synod and General Assembly. By this means we aim to make the churches self-sustaining as rapidly as possible.

A case may be mentioned which we would fain believe is rare in our Church: a membership of 200, owning forty first-class farms, promising only $625 salary, and pretending actually to pay only $400 or $500 of this, and at the time of reporting to your Committee not a cent of the salary had been paid for 1870, and part of 1869 was yet unpaid, and this not on the frontier, but in one of our old States.

And whereas it is believed that much of the deficiency in funds comes from a failure to Presbyterianize and popularize our finances with a view to enlisting all the people; therefore,

V. It is provided, That every church session, as a condition of aid from this scheme, shall in co-operation with the trustees or other representatives of the congregation appoint a Committee, who shall institute and carry out a plan of weekly or monthly contribution to this object and to all the Boards of the Church, so as to present to every member of the church and congregation the opportunity of such stated contribution, according to the apostolic order (1 Cor. xvi. 2); that so every church seeking aid may give every reasonable assurance of self-aid, as an ordinance of worship in the way of God's appointment, and according as it has gone well with them.

VI. That in like manner not only such churches as are aided by this scheme, but every church session, be required by the General Assembly to set on foot forthwith and earnestly to prosecute a plan that shall extend to every member of the congregation an opportunity of contributing to this cause (and to all the Boards of the Church), either by the envelope system or by collectors reaching each in person, and that the Presbyteries be enjoined to see to it that this requirement is complied with.

Many of our churches give nothing to our great schemes of beneficence. Many in our best churches are not reached by the ordinary method. It is the plain duty of the officers to afford to each worshiper the opportunity to contribute, and every church has a right to this means of education and cultivation in the divine life; and then the mites are mighty. "*The power of the littles,*" as Chalmers pleaded for it, wrought such distinguished success for his church schemes.

VII. To cultivate the principle of ministerial fraternity and sympathy, that each pastor shall aim to secure from his people an amount equal to at least one-twentieth (and rather one-tenth) of his own salary annually toward supplementing the salaries under this scheme.

VIII. That each church be required to report through the Presbytery to the General Assembly the pastor's salary actually paid by them for the year, and any arrearage if there be any, and that this be published in a separate column of the Assembly's minutes year by year.

This is regarded as of great importance, in order thus to lay bare the whole subject to the eyes of the Church at large and of the individual churches; that thus each church may compare what they are doing with the membership and with the average of other churches, so that the delinquent may be stimulated by such needful statistics to a higher aim.

IX. That each Presbytery shall appoint one efficient member, whose duty it shall be to examine every application for aid under this scheme, and to report to the Presbytery full information as to the prospects of the church for usefulness and growth, and as to the possibility of consolidation or association with a neighboring church, and as to the amount of self-help, with other conditions, entitling it to aid under this scheme; also to

receive moneys from the churches of the Presbytery, and to remit monthly to the Central Sustentation Committee.

X. That a Central Committee of Seven be annually appointed by the General Assembly to supervise this work, having a secretary, appointed by the Assembly, to conduct the operations, to keep accounts with the presbyterial treasurers of sustentation, and every way and by all means to further the great object in view.—1871, pp. 564–567.

Rev. Melanchthon W. Jacobus, D. D., LL.D., was elected secretary of the Committee on Sustentation.—*ib.*, 587.

IX. COMMITTEE ON BENEVOLENCE AND FINANCE.

The Committee was established by the Assembly of 1871, p. 551, and a plan of proceeding adopted. In 1872 the Assembly—

Resolved, 1. That in order to the systematizing and developing of the liberality of our people and fostering the aggressive interests of our Church in accomplishing the work assigned us in the providence of God, there shall be a Committee on Benevolence and Finance, which shall consist of fifteen members, composed largely of business-men of acknowledged skill in the management of financial affairs. It shall be located in the city of New York, and it shall be its duty to use all proper means to promote throughout the Church the regular and systematic consecration of property to the Lord, and to superintend the collection of funds for the whole benevolent work of the Church, the contributions to be sent either directly to the treasurers of the several Boards and Committees of the Church or to this Committee for distribution, according to the direction of contributors, which distribution shall be at least monthly. The treasurer of the Board of Home Missions is designated as the treasurer of this Committee.

Resolved, 2. It shall receive regular monthly statements of their receipts from all the Boards of the Church, that the financial condition of these Boards, as well as the actual benevolence of each congregation, may be at all times before the Committee.

Resolved, 3. The expenses of said Committee shall not be a charge upon any funds, unless expressly given for this purpose.

Resolved, 4. The Assembly enjoin upon all the churches the practice of periodical giving to all causes recommended by the General Assembly, according to the principles commended in the word of God.

Resolved, 5. In order to carry out this plan, the General Assembly enjoin upon every Presbytery to appoint a Standing Committee on the benevolent work of the Church, of which the stated clerk shall be secretary. It shall be the duty of this Committee to use all means in its power to have brought before all the congregations in the Presbytery the plans that may be recommended for securing contributions, and to give each pastor and session information of the wants of the various objects and what is expected of each congregation. Every Presbytery is required to question each pastor, stated supply and elder present, at every stated meeting in the spring and fall, whether the directions and recommendations on this subject have been complied with, recording the answers on the minutes.

Resolved, 6. At least as often as once every six months these Standing Committees shall report to the Committee on Benevolence and Finance, so far as they can, in relation to the different objects for which contributions have been made by the churches within the limits of their respective Presbyteries, with the amount contributed for each, together with such other information as to the general benevolent work of their churches and Presbyteries as shall seem necessary, or shall be called for by the Committee.

Resolved, 7. No church not complying with the directions of the Assembly to make collections for the several Boards shall receive aid from the funds of the Church.—1872, p. 39.

X. TRUSTEES OF THE PRESBYTERIAN HOUSE.

For the history of successive steps which led to the appointment of the Board, see New Digest, p. 404. In 1854 the Assembly directed the trustees to obtain a charter from the Legislature, which is as follows, viz.:

AN ACT TO INCORPORATE THE TRUSTEES OF THE PRESBYTERIAN HOUSE.

Whereas, The General Assembly of the Presbyterian Church in the United States of America which held its sessions in the First Presbyterian Church, on Washington Square, in the city of Philadelphia, in May, Anno Domini one thousand eight hundred and fifty-four, did appoint John A. Brown, Samuel H. Perkins, Charles S. Wurts, Matthias W. Baldwin and John C. Farr, trustees of the Presbyterian Publication House, and recommended that the said Board obtain an act of incorporation under the laws of this State, and that the said act should contain a general provision, authorizing the said trustees to hold in trust for said Assembly any property committed to them by donations, bequests or otherwise;

And whereas, Several gentlemen in the city of Philadelphia, feeling the necessity of some suitable place for the business of the societies and churches connected with the said Assembly, purchased a property for that purpose which they are desirous of conveying to the said trustees;

And whereas, The said trustees will labor under serious disadvantages as to receiving and holding the title of said property, as well as any that may be committed to them by donations, bequests or otherwise in trust for said Assembly; therefore,

Sec. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That John A. Brown, Samuel H. Perkins, Charles S. Wurts, Matthias W. Baldwin and John C. Farr, citizens of the United States and of this Commonwealth, and their successors, are hereby constituted and declared to be a body politic and corporate by the name of "The Trustees of the Presbyterian House," and as such shall have perpetual succession, and be able to sue and be sued, and to purchase and receive, take and hold, to them and their successors for ever, lands, tenements and hereditaments, goods, money and chattels, and all kinds of property and estate, which may be devised or bequeathed or given to them, or to said Assembly for them, and the same to sell, alien, demise and convey, also to make a common seal, and the same to alter and renew at their pleasure, and also to make such rules, by-laws and ordinances as may be needful for the government of said corporation, and not inconsistent with the Constitution and laws of the United States and of this State: *Provided always*, That the clear yearly income of the real estate held by the said corporation shall not at any time exceed the sum of five thousand dollars.

Sec. 2. That the trustees above named shall hold their office till the first day of June, Anno Domini one thousand eight hundred and fifty-five, and until their successors are duly qualified to take their places, who shall be chosen by the said Assembly and their successors, who may at any annual meeting increase the number of said trustees to ten, if, in their judgment, the interest of the churches under their care require it.

Sec. 3. That the said Assembly and their successors shall, at their annual meeting in each and every year, wherever held, elect at least five trustees, who shall hold their office for one year, and until their successors are elected and qualified; *Provided*, That the said corporators shall be citizens of Pennsylvania.

Sec. 4. That the trustees hereby incorporated, and their successors, shall, subject to the direction of the said Assembly and their successors, have full power to manage all funds, property and effects committed to their care by gift, purchase, bequest or otherwise, and to execute any trusts confided to them by the said General Assembly or their successors, in such manner as shall be deemed most advantageous, and not contrary to law or the intention of the donor or testator.

Sec. 5. That the Act entitled "An Act to incorporate the Trustees of the Constitutional Presbyterian Publication House," approved the thirteenth day of April, Anno

Domini one thousand eight hundred and fifty-five, be and the same is hereby repealed.

HENRY K. STRONG,
Speaker of the House of Representatives.
WM. M. HIESTER,
Speaker of the Senate.

2. The Charter Accepted.—Duties and Powers of the Trustees.

Whereas, The Legislature of the State of Pennsylvania, by an Act approved by the governor, April 21, 1855, incorporated "The Trustees of the Presbyterian House," in Philadelphia, who are by said Act to be elected by this body; therefore,

Resolved, By the General Assembly of the Presbyterian Church in the United States of America: 1. That the said charter be and the same is hereby accepted, and that the trustees created by said Act of incorporation be directed to perform all the duties required by their appointment.

Resolved, 2. That the said trustees be directed to give such official notification to the proper authorities of the State of Pennsylvania, as may be necessary, of the acceptance of the charter by the General Assembly.

Resolved, 3. That the Assembly do now elect ten trustees under this charter, five of whom shall be ministers and five laymen, all of whom shall be connected with some Presbytery or church under the care of the General Assembly.

Resolved, 4. That the first meeting of the trustees shall be at such time and place as shall be fixed by the trustee first elected, or in case of his inability to act, the trustee next elected, who shall act as chairman, until the Board is constituted by the election of a President and Secretary.

Resolved, 5. That the trustees, at their first meeting, be directed to divide themselves into two portions, and in such manner that there shall always be in the Board five ministers and five laymen.

Resolved, 6. That in electing these trustees a nomination shall be made in the Assembly, and that the election shall be by ballot, on the day following that on which the nomination is made.

Resolved, 7. That these trustees be directed to keep an accurate record of all their proceedings, and report the same annually to the Assembly.

Resolved, 8. That these trustees be directed to take such measures for raising the amount pledged by the last Assembly for the purchase of the "Presbyterian House" as they may deem expedient and proper.—1855, p. 26, N. S.

Quorum of the Board of Trustees.

The Assembly decides that *five* members of the trustees shall be a quorum for the transaction of business.—1864, p. 487.

Legal Title to the House secured through the Liberality of John A. Brown.

Resolved, That the General Assembly notice with pleasure the manifestation of promptness and liberality in the President of the Board of Trustees of the Presbyterian House, John A. Brown, Esq., of Philadelphia, who by a munificent donation has secured to the trustees the legal title of the Presbyterian House.—1857, p. 410, N. S.

3. The Trustees to Act as the Corporators of the Publication Committee.

Resolved, By the General Assembly of the Presbyterian Church in the

United States of America that "The Trustees of the Presbyterian House" be, and they hereby are, authorized and directed to act in their corporate capacity as trustees of the Permanent Committee of this Assembly, called "The Presbyterian Publication Committee," as fully and in the same manner as if "The Presbyterian Publication Committee" were themselves constituted a corporation by the same authority which incorporated "The Trustees of the Presbyterian House."—1857, p. 410, N. S.

4. Declaration of Trust.—The House held for the Publication Committee.

The Presbyterian Publication Committee respectfully present to the General Assembly the following overture:

Whereas, The General Assembly of 1854 authorized the acceptance of the property Nos. 1334 and 1336 Chestnut street, Philadelphia, upon certain conditions which have since been complied with, and the legal title to said property was accordingly on the fourth day of February, 1859, vested for the Assembly in "The Trustees of the Presbyterian House," but no trust has ever been declared of the same; and

Whereas, In view of all the circumstances attending the acquisition of said property, and the purposes for which it was designed, it is desirable that the General Assembly should declare the trust upon which the said property is and shall be held. The Presbyterian Publication Committee overture the Assembly to adopt the following Resolutions and Declaration of Trust:

Whereas, Among other trusts, the legal title of the property Nos. 1334 and 1336 Chestnut street, Philadelphia, is held for the Assembly by the "Trustees of the Presbyterian House," but no trust has ever been declared of the same, and circumstances render it expedient and desirable that the trusts upon which said property is and shall be held should be formally declared; and

Whereas, The trustees of the Presbyterian House did, by resolution adopted March 27, 1863, express their desire that the Publication Committee should ask the Assembly for a formal declaration that the property Nos. 1334 and 1336 Chestnut street, Philadelphia, is and shall be held by the trustees for the use and benefit of the Publication Committee; therefore,

Resolved, 1st, That the General Assembly of the Presbyterian Church in the United States of America do hereby declare that the property Nos. 1334 and 1336 Chestnut street, Philadelphia, is and shall be held by the trustees of the Presbyterian House to, for and upon the following uses, intents and purposes; that is to say: In trust to permit and suffer the Presbyterian Publication Committee, subject to the said General Assembly and their successors, to let and demise, use, occupy and enjoy the said property and every part thereof; to receive and take the rents and income thereof, they paying all the taxes and ground-rent thereon, and all proper and necessary repairs, and other expenses and charges thereon; and that the said trustees shall have power, at the request of the said Publication Committee, to mortgage and improve the said property, or any part thereof;

Resolved, 2d. That the trustees of the Presbyterian House be, and they hereby are, directed to execute under their corporate seal, and deliver to the said Publication Committee, such deed or deeds of declaration of trust for the purpose aforesaid, with all such powers, authorities, limitations and provisions as shall be settled and advised by a Committee of

three legal gentlemen, to be appointed by the Assembly, to be requisite and necessary for the fully carrying into effect these resolutions.

JOHN W. DULLES,
Secretary of the Pres. Publication Committee.

PHILADELPHIA, May, 26, 1863.

The Committee recommend the adoption of the overture, and the appointment of Samuel H. Perkins, Esq., Samuel C. Perkins, Esq., and Hon. Joseph Allison as the Committee of legal gentlemen referred to in the last resolution.

The report was adopted.—1863, p. 274, N. S.

The trustees report further that, in accordance with the direction of the last General Assembly, they have executed under their corporate seal, and have delivered to the Presbyterian Publication Committee, the deed of declaration of trust prescribed by the Assembly.—1864, p. 539, N. S.

5. Title Executed to the Board of Publication.

The trustees further report that, in accordance with the direction of the last General Assembly, they have conveyed to "the Trustees of the Presbyterian Board of Publication" the house and lot Nos. 1334 and 1336 Chestnut street.—1871, p. 671.

6. Trusts Transferred.—Ministerial Relief Fund.

The trustees report that, in accordance with the commitment by the last General Assembly of the management of the Ministerial Relief Fund to the trustees of the General Assembly, they have discharged the Executive Committee of the Ministerial Relief Fund Agency, and have directed the treasurer of said Committee to pay to the treasurer of "the Relief Fund for Disabled Ministers and the Widows and Orphans of Deceased Ministers" the funds belonging to the Ministerial Relief Fund. They have also directed their own treasurer to pay to the treasurer of the Relief Fund the interest which from time to time shall accrue from the Permanent Fund.—1871. p. 671.

CHAPTER XIX.

OF MODERATORS.

I. IT is equally necessary in the judicatories of the Church, as in other Assemblies, that there should be a moderator or president, that the business may be conducted with order and despatch.

II. The moderator is to be considered as possessing, by delegation from the whole body, all authority necessary for the preservation of order, for convening and adjourning the judicatory, and directing its operations according to the rules of the Church. He is to propose to the judicatory every subject of deliberation that comes before them. He may propose what appears to him the most regular and speedy way of bringing any business to issue. He shall prevent the mem-

bers from interrupting each other, and require them, in speaking, always to address the chair. He shall prevent a speaker from deviating from the subject, and from using personal reflections. He shall silence those who refuse to obey order. He shall prevent members who attempt to leave the judicatory without leave obtained from him. He shall at a proper season, when the deliberations are ended, put the question and call the votes. If the judicatory be equally divided, he shall possess the casting vote. If he be not willing to decide, he shall put the question a second time; and if the judicatory be again equally divided, and he decline to give his vote, the question shall be lost. In all questions he shall give a concise and clear state of the object of the vote; and the vote being taken, shall then declare how the question is decided. And he shall likewise be empowered, on any extraordinary emergency, to convene the judicatory, by his circular letter, before the ordinary time of meeting.

The Moderator not Necessarily a Member of the Judicatory.

The moderator and clerk are ministerial officers of the judicatory. In respect of their office, they are servants merely, and not members, of the body.

Nor does the Constitution, explicitly at least, require the moderator to be chosen from the members of the judicatory. It does, indeed, prescribe (chap. xix., sec. ii.) that in a certain contingency "he shall possess the casting vote." And as voting is the act of a member, the implication seems to offer itself that the moderator himself must be a member. But against this implication some other facts of the Constitution may be cited. Thus (Form of Government, chap. ix., sec. iii.) there is the provision for inviting, in certain contingencies, a minister to moderate the church session who is not the pastor of the church, and of course not a member of the session; while the general law of "Moderators" (chap. xix.) gives him the casting vote. Then, again, the "Form of Government," chap. xii., sec. vii., prescribes, concerning the General Assembly, that "the moderator of the last Assembly, if present, or in case of his absence some other minister, shall preside until a new moderator be chosen." Under this provision it is not necessary that the minister called to preside in the Assembly should himself be in commission.—New Digest, p. 173.

It may be said that this is merely for organization. True; but the whole principle seems to be involved. For the time being one not a member of the Assembly is its moderator, and as such has a casting vote on the numberless issues which may be raised between the formation of the roll and the choice of a new moderator; and in the former case, pertaining to church sessions, no such limitation for mere organization exists.

Hence these two points are clearly recognized: 1st. That it is not essential to the idea of a moderator that he be a member; 2d. That the privilege of a casting vote does not necessarily imply membership.—1861, pp. 457, 458, N. S.

[The moderator has none other than the casting vote, see xii., sec. i., 7. For general principles as to moderators, see Rules for Judicatories; also, Form of Government, chap. xii., i., above.]

III. The moderator of the Presbytery shall be chosen from year to

year, or at every meeting of the Presbytery, as the Presbytery may think best. The moderator of the Synod and of the General Assembly shall be chosen at each meeting of those judicatories, and the moderator, or, in case of his absence, another member appointed for the purpose, shall open the next meeting with a sermon, and shall hold the chair till a new moderator be chosen.

CHAPTER XX.

OF CLERKS.

EVERY judicatory shall choose a clerk to record their transactions, whose continuance shall be during pleasure. It shall be the duty of the clerk, besides recording the transactions, to preserve the records carefully, and to grant extracts from them, whenever properly required; and such extracts under the hand of the clerk shall be considered as authentic vouchers of the fact which they declare, in any ecclesiastical judicatory, and to every part of the Church.

The Clerk not Necessarily a Member of the Judicatory.

The moderator and clerk are ministerial officers of the judicatory. In respect of their office, they are servants merely, and not members, of the body.

Of the clerk this would seem to be unquestionably true. The Constitution knows nothing of the *temporary* clerk, as distinguished from the *stated* clerk. As far as any provision of the "Book" is involved, it is plain that a judicatory may select any convenient person, though not a member, to record its transactions and discharge all other duties pertaining to a clerk. For the part of those duties usually devolving upon a *temporary* clerk, we believe it is no infrequent thing for a Presbytery to employ a licentiate or other person not a member of the body.—1861, p. 457, N. S.

See under chap. xii., sec. i., 10, for sundry acts relating to clerks.

CHAPTER XXI.

OF VACANT CONGREGATIONS ASSEMBLING FOR PUBLIC WORSHIP.

CONSIDERING the great importance of weekly assembling of the people for the public worship of God, in order thereby to improve their knowledge, to confirm their habits of worship and their desire of the public ordinances, to augment their reverence for the most high God, and to promote the charitable affections which unite men most firmly in society, it is recommended that every vacant congregation

meet together on the Lord's day at one or more places, for the purpose of prayer, singing praises and reading the Holy Scriptures, together with the works of such approved divines as the Presbytery, within whose bounds they are, may recommend, and they may be able to procure; and that the elders or deacons be the persons who shall preside and select the portions of Scripture, and of the other books to be read; and to see that the whole be conducted in a becoming and orderly manner.

1. Vacant Congregations to Meet for Worship on the Lord's Day.

In consequence of an overture which was brought in, the Synod earnestly recommend to all vacant congregations under their care to meet together every Lord's day, at one or more places, for the purpose of prayer and praise and reading the holy Scriptures, together with the works of such approved divines as they may be able to procure, and that the elders be the persons who shall pray and select the portions of Scripture and other books, to be read by any proper person whom they may appoint.—1786, p. 526.

2. Elders of Vacant Congregations should be Interrogated as to the Observance of the Rule.

An overture from the Presbytery of Mississippi requesting the General Assembly to recommend to the Board of Publication to issue suitable books of sermons and helps for devotion, to be used by vacant congregations, and to inquire whether ruling elders representing such congregations should be interrogated concerning the observance of the recommendation contained in chap. xxi. of the Form of Government.

Answered affirmatively.—1847, p. 401, O. S.

3. Right of Ruling Elders, in the Absence of the Pastor, to Explain the Scriptures and to Exhort.

The records of the Synod of Mississippi approved, except "that on page 10 of these minutes Synod takes exception to the minutes of the Louisiana Presbytery, because that Presbytery considered it not inconsistent with the principles of our Church for ruling elders, in the absence of the pastor, to read the Scriptures and explain them, and to endeavor to enforce the truth upon the conscience by suitable exhortations. The Assembly believe the Presbytery of Louisiana was right according to chap. xxi. of our Form of Government."—1856, p. 538, O. S.

[Next year the Assembly refused to modify the above.—1857, p. 41.]

CHAPTER XXII.

OF COMMISSIONERS TO THE GENERAL ASSEMBLY.

I. The commissioners to the General Assembly shall always be appointed by the Presbytery from which they come, at its last stated meeting immediately preceding the meeting of the General Assembly, provided that there be a sufficient interval between that time and the

meeting of the Assembly for the commissioners to attend to their duty in due season; otherwise the Presbytery may make the appointment at any stated meeting, not more than seven months preceding the meeting of the Assembly. And as much as possible to prevent all failure in the representation of the Presbyteries, arising from unforeseen accidents to those first appointed, it may be expedient for each Presbytery, in the room of each commissioner, to appoint also an alternate commissioner to supply his place, in case of necessary absence.

1. The Rule not Enforced in case of Missionary Presbyteries.

a. The Committee on Elections reported that Rev. James W. Moore had been nominated or selected by the Presbytery of Arkansas at their meeting in last September, but that the Presbytery had been prevented by high waters from meeting since then, and consequently there could be no election. On motion, Mr. Moore was admitted to a seat.—1846, p. 197, O. S.

b. In reply to a protest on this case, the Assembly says: "The member admitted to a seat represents a body occupying the remote confines of our ecclesiastical territory—a body whose delegates must travel fifteen hundred miles to reach the usual place of meeting of the General Assembly; a body too whose meetings are liable to be interrupted by insurmountable difficulties, and in whom a technical irregularity, occasioned by such difficulties, may justly plead exemption from a rigorous application of the letter of the law. To exclude from a participation in the privileges of this body one who had surmounted so many and such formidable obstacles to reach our place of meeting because of an informality in his title, which does not, as this Assembly judges, violate the spirit of the Constitution, would be to subject a zealous and self-denying minister and a whole Presbytery to a serious grievance, and to discourage the zeal of those who of all others most need our sympathy and fostering care."—1846, p. 215, O. S.

c. A reference to the Minutes of the General Assembly of 1844 will show that the Rev. William S. Rogers, a commissioner from the Presbytery of Lodiana, in Northern India, was admitted without scruple to a seat in that body, though it is evident that his appointment must have been made beyond the limits of time prescribed by the Constitution. The peculiar circumstances of the case no doubt influenced, and we believe authorized, that Assembly to act as they did in the premises.—1846, p. 214, O. S.

d. Mr. Joseph B. Junkin, ruling elder of the Presbytery of the Creek Nation, produces such evidence that it is the desire of his Presbytery that he should represent it as a commissioner in this Assembly, that, considering the remote situation of the Presbytery, the difficulty of his position, and the whole bearing of the case, Mr. Junkin may be safely allowed to take his seat, without the Assembly thereby establishing any precedent to operate beyond the immediate case. The Committee is therefore of opinion that, though he was not regularly elected, he ought to be allowed to take his seat as a member of the body.—1853, p. 426, O. S.

e. In the following case it appeared from the evidence that the brethren of the mission designed to make the appointment. No communication, however, had been received from them since the meeting of the Presbytery.

The Rev. J. L. Scott, missionary in Northern India, being present from the Presbytery of Furrukhabad without a commission, but with evidence of having been duly appointed, was, on motion of Dr. R. J. Breckenridge, from the Committee on Elections, admitted to a seat, and regularly enrolled.—1853, p. 430, O. S.

2. No Election through Presbytery Failing to Meet.

a. The Committee on Elections further reported, in the case of Mr. David M. Smith, that it appeared to their satisfaction that the Presbytery of Columbia failed to form a quorum at the time at which their stated spring meeting should have been held according to adjournment; that there were present two ministers and ruling elders from a majority of the churches, the Presbytery consisting only of five ministers; that those present requested that the Assembly would receive Mr. Smith as a commissioner from their Presbytery, in which request two of the absent members have expressed their concurrence in writing; and that it is believed that the appointment of Mr. Smith would have been unanimous had the Presbytery formed a quorum; and further, that the Committee are divided upon the question whether, under these circumstances, Mr. Smith ought or ought not to be admitted to a seat. It was moved that Mr. Smith be admitted to a seat. After debate the question was decided in the negative.—1843, p. 171, O. S.

b. The same Committee also reported that Hamilton Smith, a ruling elder from the Presbytery of Upper Missouri, had appeared without a commission, but with a written request from several ministers and ruling elders of that Presbytery, which had been able to secure no quorum for two years past, that he be allowed to sit as commissioner. Admitted.—1865, p. 538, O. S.

c. The Rev. L. M. Miller, D. D., Chairman of the Committee on Elections, presented the following report, which was adopted, and the Rev. George W. Chamberlain was ordered to be enrolled:

The Committee on Elections would report that the Rev. George W. Chamberlain, of the Presbytery of Rio de Janeiro, Brazil, is present without a commission. Mr. Chamberlain asks admission to the Assembly on this ground: He was appointed a commissioner regularly to the Assembly of last year, and attended. He has remained in this country ever since, doing work in behalf of his mission in that country. Only three ministers belonging to that Presbytery remained in Brazil. A meeting was appointed in which it was intended to recommission Mr. Chamberlain. Just previous to the time indicated, the Rev. Mr. Simonton, one of the Presbyters, died, and thus prevented organization. The members remaining desire that he may be permitted to represent that Presbytery in this Assembly. The only principle which bears upon the case is found in the Digest on page 286, sec. 129. The Committee recommends that the Assembly act upon the question of his admission without discussion.—1868, p. 620, O. S.

d. That Rev. Ira M. Condit, of the Presbytery of Canton, is bearer of an informal appointment, signed by all the members of Presbytery who were in Canton at the time; when, however, a quorum could not be assembled on account of the absence of several members in this country.

He was admitted to a seat.—1869, p. 890, O. S.

3. Commissioners should Attend to the Close of the Session.—Presbyteries to Call their Commissioners to Account.

a. Whereas, Many members of the General Assembly are, from year to year, in the habit of asking leave of absence long before its sessions are closed; and whereas, in receiving and acting upon these applications, much of the time of the Assembly is consumed, and much of the most important business has to be transacted by few members; therefore,

Resolved, 1. That the Presbyteries be directed to pay particular attention to the following minute, found in vol. i., p. 308, of Printed Extracts, and also in Digest, p. 76, viz.: "The Presbyteries are informed that their commissioners should attend with the expectation that the sessions will be of two weeks' continuance, and that arrangements should be made accordingly.

Resolved, 2. That it be recommended to the Presbyteries to inform their commissioners, when they accept an appointment, that it is expected they will continue in the Assembly until the close of its sessions, unless some unforeseen and imperious reason should require them to ask leave of absence.

Resolved, 3. That each Presbytery require their commissioners to report whether they attended the sessions of the Assembly the whole time, and that the report of the commissioners on this subject be recorded on the minutes of the Presbytery.—1824, p. 119.

b. The Committee on Leave of Absence beg leave to submit to the General Assembly that, whereas it both fulfills the requirements of our excellent Church polity, and facilitates the business of the Assembly, and also should be regarded as both a duty and a privilege, for elders as well as ministers to attend its sessions; therefore be it

Resolved, That elders and ministers who from time to time may represent the Presbyteries in General Assembly be earnestly requested to arrange their business, as far as possible, before leaving home, that they may remain to the end of its sessions, and thus fulfill their high commissions, and enjoy the valued privileges as members of the highest judicatory of our Church.

The resolution was adopted.—1862, p. 38, N. S.

c. On the recommendation of the Standing Committee on Leave of Absence, it was—

Resolved, That the General Assembly earnestly recommend to its Presbyteries, as far as possible, the appointment as commissioners of those only who are *able* and *willing* to remain to the close of its sessions, to the end that *all* the work of the Assembly may be performed by *all* its members.—1867, p. 499, N. S.

[See under Form of Government, chap. xii., sec. ii.]

4. Commissioners from New Presbyteries.

a. The Committee to which was referred an overture on the subject of admitting commissioners from newly-formed Presbyteries to seats in this house reported the following resolutions, which were adopted, viz.:

1. *Resolved,* That it be adopted as a standing rule of this house that commissioners from newly-formed Presbyteries shall, before taking their seats as members of this body, produce satisfactory evidence that the Presbyteries to which they belong have been regularly organized according to the Constitution of the Church, and are in connection with the General Assembly.

2. *Resolved, also,* That such commissioners shall be entitled to furnish

the evidence required in the foregoing resolution before the house shall proceed to the choice of a moderator.—1822, p. 48.

b. Resolved, 1. That no commissioner from a newly-formed Presbytery shall be permitted to take his seat, nor shall such commissioner be reported by the Committee on Commissions, until the Presbytery shall have been duly reported by the Synod and recognized as such by the Assembly, and that the same rule apply when the name of any Presbytery has been changed.

2. When it shall appear to the satisfaction of the General Assembly that any new Presbytery has been formed for the purpose of unduly increasing the representation, the General Assembly will, by a vote of the majority, refuse to receive the delegates of Presbyteries so formed, and may direct the Synod to which such Presbytery belongs to reunite it to the Presbytery or Presbyteries to which the members were before attached. —1837, p. 446.

5. Commissioners not Ruling Elders under the Plan of Union.

[Under the "Plan of Union" in several cases members of "Standing Committees" not ordained elders were admitted as commissioners to the Assembly.—1820, pp. 721–724; 1826, pp. 164, 178, 181; 1831, p. 318. Growing out of the last case was the following:]

Resolved, That in the opinion of the General Assembly the appointment by some Presbyteries, as has occurred in a few cases, of members of Standing Committees to be members of the General Assembly, is inexpedient and of questionable constitutionality, and therefore ought not in future to be made.

The yeas and nays on this resolution were taken and required to be recorded, and are as follows, viz., yeas 81, nays 54.—1831, p. 338.

The next year the commissions of two "members of Standing Committees, instead of ruling elders, from the Presbytery of Grand River," were referred to the Committee on Commissions, and by it reported to the Assembly as withdrawn by the person presenting them.—1832, pp. 354–356.

The Committee also reported that Mr. Erastus Upson, a Standing Committee-man from the Presbytery of Oswego, had been appointed a member of this body. A motion was made to refer this case to the Committee on Elections, which was negatived.

It was then resolved that Mr. Upson have leave to withdraw his application.—1833, p. 392.

6. A Commissioner, having taken his Seat, may not Resign it to his Alternate or Principal.

[From the origin of the General Assembly, it was frequent usage for the principal to resign his seat to the alternate, and *vice versâ*. But in 1827 the following act was adopted:]

The Committee to whom were referred Overtures Nos. 4 and 5, containing resolutions of the Presbyteries of Richland and Charleston Union, disapproving the practice of permitting members of the General Assembly "at various stages of the sessions to resign their seats to others called alternates," made the following report, viz.:

These overtures present two points of inquiry:

1. Whether the Constitution of the Church, according to a fair interpretation, permits the practice complained of by these Presbyteries.

2. If this practice is allowed by the Constitution, whether it is expedient that it should be continued.

As to the first question, the only authority on this subject, as far as appears to your Committee, is found in Form of Government, chap. xxii., sec. i., in these words: "And as much as possible to prevent all failure in the representation of the Presbyteries, arising from unforeseen accidents to those first appointed, it may be expedient for each Presbytery, in the room of each commissioner, to appoint also an alternate commissioner to supply his place in case of necessary absence."

The first remark obviously presenting itself here is that the language quoted, so far from making the appointment of alternates necessary, contains nothing more than a recommendation of the measure expressed in very gentle terms.

In the next place, although the terms of the article may be so interpreted as to make it provide for the necessary absence of a commissioner at any time during the sessions of the Assembly, yet it appears most reasonable to suppose that the intention of the framers of the Constitution was to provide for those unforeseen events which might altogether prevent the attendance of the primary commissioners. For it is not at all probable that wise men, in drawing up a Constitution for a Church judicature of the highest dignity, whose business is often both very important and extremely difficult, would provide for a change in the members of the court after it should be constituted and become deeply engaged in the transaction of weighty affairs and the investigation of certain perplexing questions. A measure of this kind is, the Committee believe, without example, and therefore the construction which would support it is thought to be erroneous.

If in this case the Committee have judged correctly, they are much more confident in the remarks that the Constitution does not justify the practice, now very common, of the arrangements for convenience made by the primary commissioner and his alternate, according to which the one or the other, as the case may be, takes his seat for a few days in the Assembly, resigns it, and goes to his secular business.

But, secondly, if it should be determined that the Constitution permits these changes in some instances, the Committee are constrained to believe that the practice is, on the whole, entirely inexpedient—

1. Because it creates dissatisfaction among many brethren, as well those who have complained of it as others who have held their peace.

2. It gives an invidious advantage to the neighboring Presbyteries over those which are remote.

3. It may be the occasion of a number of abuses against which the Assembly ought to guard, but which the Committee do not think it needful to specify.

4. But, chiefly, it often embarrasses and retards the proceedings of the Assembly, because members of Committees resign to alternates before the Committees to which they belonged have finished their business or received a discharge from the house; because new members coming into the Assembly in the midst of business often cannot possibly understand it sufficiently to decide on it wisely, and because speeches made in relation to matters imperfectly understood often shed darkness and throw perplexity over them, and thus very much time is wasted in discussions which profit nothing.

Finally, the practice is thought to be derogatory to the dignity and usefulness of the General Assembly. For these reasons the Committee recommend the adoption of the following resolution:

Resolved, That in the judgment of this General Assembly the construction of the Constitution, Form of Government, chap. xxii., sec. i., which

allows commissioners, after holding their seats for a time, to resign them to their alternates, or which allows alternates to sit for a while and then resign their places to their principals, is erroneous; that the practice growing out of this construction is inexpedient, and that it ought to be discontinued.

The above report was accepted, and the resolution with which it closes was adopted.—1827, p. 209, 210. See 1872, p. 68, above, chap. ix., sec. vi., 9.

7. Rule Dispensed with under Peculiar Circumstances.

a. Rev. Jacob D. Mitchell informed the Assembly that, as the alternate named in the commission from West Hanover, his principal, Rev. James Wharey, not being present, he had at the commencement of the Assembly taken his seat as a member, and that Mr. Wharey had now arrived, having been detained in the providence of God. Mr. Mitchell moved that he have leave to resign his seat in favor of Mr. Wharey. It was then moved and carried that, under the peculiar circumstances of the case, the standing rule be dispensed with, and that Mr. Wharey be admitted a member in the place of Mr. Mitchell.—1836, p. 245.

b. The Rev. Thomas P. Hunt, of the Presbytery of Luzerne, stated to the Assembly that, owing to peculiar circumstances, he as alternate had taken his seat as a member of the house, and that he wished to resign it to Rev. John Dorrance, the principal named in the commission.

Resolved, That in view of the peculiar circumstances of the case which were stated at large by Mr. Hunt, this request be granted, and that Mr. Dorrance's name be inserted on the roll instead of Mr. Hunt's.—1844, p. 368, O. S. See also 1847, p. 382, O. S.

c. Alexander Swaney, minister of the Presbytery of Steubenville, having obtained leave of absence, his alternate, Rev. C. C. Beatty, D. D., was, on motion of Judge Leavitt, admitted to a seat.—1850, p. 459. See 1851, p. 24, O. S.

d. On motion of Dr. Hornblower, the name of Theodore Litle, ruling elder from the Presbytery of Passaic, was substituted for that of Harvey Law, who has occupied a seat as commissioner from that Presbytery since the fourth day of our session.—1861, p. 321, O. S.

II. Each commissioner, before his name shall be enrolled as a member of the Assembly, shall produce from his Presbytery a commission under the hand of the moderator and clerk, in the following or like form, viz.:

The Presbytery of being met at on the day of doth hereby appoint bishop of the congregation of [or ruling elder in the congregation of , as the case may be] (to which the Presbytery may, if they think proper, make a substitution in the following form); or in case of his absence, then bishop of the congregation of [or ruling elder in the congregation of , as the case may be], to be a commissioner on behalf of this Presbytery to the next General Assembly of the Presbyterian Church in the United States of America, to meet at on the day of , A. D. or wherever and whenever the said As-

sembly may happen to sit; to consult, vote and determine on all things that may come before that body, according to the principles and Constitution of this Church and the word of God. And of his diligence herein he is to render an account at his return.

Signed by order of the Presbytery,

Moderator.

Clerk.

And the Presbytery shall make record of the appointment.

1. Irregularities and Defects in Commissions.—Commissioner Received.

a. Without a commission, but brings testimony of appointment.—1792, p. 48; 1793, p. 65; 1794, p. 79; 1795, p. 94; 1806, p. 347; 1816, p. 605; 1821, p. 7, and *passim.*

b. Commission signed only by the stated clerk.—1795, p. 94; 1830, p. 281.

c. Not in due form.—1828, p. 226; 1829, p. 254; 1858, p. 574, N. S.; 1852, O. S., and *passim.*

d. Wanting the date of the year of appointment.—1831, p. 317.

e. Wanting signature of moderator.—1831, p. 317; 1833, p. 389; 1834, p. 422; 1835, p. 465.

f. Extract from the Minutes signed by stated clerk.—1834, p. 422; 1835, p. 465; 1837, p. 415; 1849, N. S.; 1851, O. S., and *passim.*

g. Wants the signature of the clerk.—1834, p. 422; 1836, p. 238; 1839, p. 8, N. S.

h. Dated more than seven months since.—1834, p. 422.

i. From Presbyteries whose organization has not yet been reported officially to the General Assembly.—1855, p. 265, O. S.; 1865, p. 528, O. S.; 1868, p. 597, O. S.

k. The Committee on Elections also reported that they had satisfactory proof that it was the wish of the presbytery of Allahabad, in Northern India, that the Rev. L. G. Hay should represent said Presbytery in the General Assembly, but that, on account of the rebellion in India and consequent confusion, the Presbytery had not held a formal election, and the Committee refer the case to the Assembly.

On motion, it was ordered that he be admitted to a seat, and his name was accordingly enrolled.—1858, p. 262, O. S.

l. The Assembly met. The Committee on Elections presented a report, which was adopted, and is as follows:

The Rev. T. Ewing, of the Presbytery of Saltsburg, and Ruling Elder James E. Brown, of the same Presbytery; Rev. Albert Williams, of the Presbytery of California; Rev. N. L. Upham, of the Presbytery of Raritan; Rev. J. B. Dunn, of the Presbytery of Londonderry; Ruling Elder E. J. Crane, of the Presbytery of California; Ruling Elder William P. Emery, of the Presbytery of Raritan, have regular commissions, lacking the signatures of the moderators of their respective Presbyteries, and having only those of the stated clerks; that the Rev. Ira M. Condit, of the Presbytery of Canton, is bearer of an informal appointment, signed by all the members of Presbytery who were in Canton at the time, when, however, a quorum could not be assembled, on account of the absence of several members in this country; that the Rev. W. J. Monteith, of the Presbytery of Oregon, has a letter from the Stated Clerk of that Presbytery, certifying his appointment and promising that his commission, which has not

come to hand, should be duly forwarded; that the Rev. H. M. Shockley, of the Presbytery of White Water; Rev. James Harper, D. D., of the Presbytery of Carlisle; Rev. I. J. Henderson, of the Presbytery of Baltimore; Ruling Elder James Pomeroy, of the Presbytery of Huntingdon; Ruling Elder Samuel Culbertson, of the Presbytery of Zanesville, have lost or forgotten their commissions, but have offered sufficient testimony, as the Committee regard it, from their respective fellow-commissioners or others, to justify their admission; that the Rev. J. H. Barnard, of the Presbytery of Waukesha, has a commission signed by the stated clerk, and another signed by the moderator of his Presbytery, which together form a valid commission, and the Committee recommended that the foregoing names be all added to the roll.—1869, p. 889, O. S. See also chap. xii., sec. i., Form of Government.

[The usage is that when satisfactory evidence is given of the actual appointment of the commissioner his name is enrolled.]

2. The Assembly will not go Behind a Commission.

[In the case below a member of the Presbytery informed the Assembly that Mr. Bissell had not been set apart as an elder, but appointed, as was supposed, in accordance with the Plan of Union. In answer to a protest the Assembly reply]:

Mr. Bissell was admitted by the Assembly for the following reasons:

1. The commission which Mr. Bissell produced was in due form, and signed by the proper officers of the Presbytery.

2. Every Presbytery has a right to judge of the qualifications of its own members, and it is amenable to Synod, and not to the General Assembly, except by way of appeal or reference or complaint regularly brought up from the inferior judicatories, which has not been done in the present case.

3. It would be a dangerous precedent, and would lead to the destruction of all order in the Church of Christ, to permit unauthorized verbal testimony to set aside an authenticated written document.—1826, p. 181.

III. In order as far as possible to procure a respectable and full delegation to all our judicatories, it is proper that the expenses of ministers and elders in their attendance on these judicatories be defrayed by the bodies which they respectively represent.

1. The Commissioners' Fund.—Former Plans.

[The Assembly of 1792, p. 59, ordered "that each Presbytery pay their own commissioners for the future, and for attending the present Assembly." In 1803, p. 279, the expense of attending the Assembly from distant Presbyteries was brought to the notice of the body by overture, and a Committee appointed. On its report, p. 282, the subject was referred to the Presbyteries, with directions to report to the next Assembly. In 1804, p. 311, the following resolution was adopted, viz.:]

Resolved, That it be recommended to the Presbyteries belonging to the Synod of New York and New Jersey, and to the Synod of Philadelphia, earnestly to advise the churches under their care to make an annual collection, to be specially appropriated to aid in the payment of the expenses of the commissioners from the more distant parts of the country, to enable them to attend the General Assembly, and that the money, when collected, be put into the hands of the treasurer of the corporation, and paid to

the persons who may attend as commissioners under the direction of the General Assembly.

A more comprehensive plan, looking to collections in all the churches, was adopted by the Assembly of 1806, pp. 369–371. See also 1807, pp. 385, 386; 1822, p. 56.

In 1833, p. 410, the Assembly urgently pressed the necessity of contribution to the common fund on all the churches under its care.

2. During the Separation.

a. Resolved, That while the Assembly would not interfere with any arrangements that any Presbytery may choose to make to defray the expenses of its own delegates, we would enjoin it upon the weak Presbyteries to see to it that their churches contribute as largely as possible, and that the more able ones, and especially such as are not very remote from the place where the Assembly meets, be required to have collections taken up in their churches for a *common commissioners' fund* to aid the weaker Presbyteries in defraying the expenses of their delegates.—1847, p. 395, O. S.

b. The Committee to whom was referred the subject of mileage presented a report, which was adopted, and is as follows:

The commissioners' fund is distributed at the present time in the following manner: The money contributed for the general fund is paid into the hands of the Committee on Mileage, and distributed to such commissioners as claim it (whose Presbyteries have contributed anything to the fund, and who have not otherwise been paid), according to the number of miles each has traveled to the place of meeting.

This mode of distribution appears to be as simple and equitable as any that can be adopted, and the Committee recommend that it remain unchanged.

Our Form of Government, chap. xxii., sec. iii., makes it proper for each Presbytery to pay its own commissioners; consequently, if any Presbytery shall choose to do so, the Assembly cannot *require* them to contribute to the general fund. But it is most earnestly recommended to the older and abler Presbyteries, in view of the wide extent of our Church, and the great importance of our rising Presbyteries being represented in the meetings of the Assembly, if they shall choose to exercise their right to pay their own commissioners in full, that they be particular in making additional collections for the general fund, so that the younger and feebler Presbyteries may be fully represented. And it is hereby made the duty of the stated clerk to give due notice of this recommendation previous to the meeting of the General Assembly.—1851, p. 24, N. S.

See also 1856, pp. 216, 217, N. S.

c. [In 1857 the Assembly, N. S., adopted the following plan, which was acted upon up to the time of the reunion, viz.:]

That each Presbytery be earnestly requested to contribute annually their full proportion toward the expenses of our General Assemblies.

That this proportion be determined by the number of communicants connected with the Presbytery.

That the rate *per capita* for the next Assembly be five (5) cents for each communicant.

That each Presbytery be at liberty to apportion their quota among their churches as they shall deem best.

That the Standing Committee on Mileage, annually appointed, estimate and report the probable amount that will be needed to defray the traveling expenses of the commissioners and the contingent expenses of the next succeeding Assembly, together with the rate that will be adequate.

That on or before the fourth day of the sessions of each Assembly the amount thus contributed be paid to the Committee on Mileage, and a bill be presented by each commissioner of his necessary traveling expenses and mileage.

That these bills, having been duly audited by the Mileage Committee, be paid as fully as the funds will permit, after appropriating an amount sufficient to defray the contingent expenses of the Assembly.

That each minister and vacant church connected with those Presbyteries who have contributed their full quota to this fund be entitled to a copy of the annual minutes.

That in order to avail themselves of the privileges of this plan, the Presbyteries must contribute, and forward to the Assembly, their full proportion of this fund as thus determined.

The report was adopted.—1857, pp. 399, 400, N. S.

3. The Rule as Adopted at the Reunion.

It is affirmed, Form of Government, chap. xxii., sec. iii., that, in order as far as possible to procure a respectable and full delegation to all our judicatories, it is proper that the expenses of ministers and elders, in their attendance on these judicatories, be defrayed by the bodies which they respectively represent.

The principle is thus established that provision should be made for the payment of the traveling expenses of commissioners to the General Assembly. This provision should be made by the Presbyteries. As far as possible, the feebler Presbyteries should be aided in this matter by the stronger. It appears just and reasonable, and so has been found by experience, that the estimated contingent expenses of each Assembly and the traveling expenses of the commissioners in coming to and returning from the Assembly should be fully met by the apportionment of the whole amount among the several Presbyteries according to the number of their communicants respectively.

It is therefore recommended—

1. That the Standing Committee on Mileage, annually appointed, be instructed to present an estimate of the probable amount that will be needed by the next General Assembly in order to meet their contingent expenses and the traveling expenses of their commissioners, with a statement of the *per capita* rate, based on the number of communicants that will be needed to secure the amount.

2. That the Presbyteries, at their stated meeting next following the adjournment of the General Assembly, apportion the amount required of their churches as they deem best.

3. That the churches be instructed to pay over their respective apportionments at the stated meeting of their Presbyteries next preceding the meeting of the General Assembly; the whole amount due from the Presbytery to be forwarded to the Assembly by their commissioner.

4. That as early as the fifth day of the sessions of the Assembly the apportionment of each Presbytery be paid in full, and a bill of the necessary traveling expenses of its commissioners be presented to the Standing Committee on Mileage.

5. That the Mileage Committee, after appropriating from the whole sum an amount sufficient to meet the estimated contingent expense of the Assembly, be instructed to audit these bills and pay them *pro rata*, if approved, as far as the funds will permit.

6. That in order to avail themselves of the proceeds of this fund, the

Presbyteries must contribute their full proportion to it according to the *per capita* rate.

7. That every minister and every vacant church contributing to this fund, connected with the Presbyteries thus complying with the provisions of this plan, be entitled to a copy of the annual minutes of the General Assembly.

8. That the commissioners from Presbyteries in foreign lands receive their necessary traveling expenses *pro rata* from their place of residence in this country.—1870, pp. 59, 60.

Resolved, That the presbyterial assessments for the Commissioners' and Contingent Funds for the General Assembly of the year 1871 be fixed at six cents *per capita*.

Resolved, That the Presbyteries are hereby instructed to apportion their assessments among their various churches, to notify each church of the amount required therefrom, and to enjoin upon and require of each session the prompt collection thereof.

Resolved, That hereafter the Assembly will expect and require from each Presbytery represented therein, excepting foreign Presbyteries, the payment in full of its entire assessment, according to its last preceding report of membership, irrespective of any delinquencies on the part of particular churches.—1870, p. 100.

4. Presbyteries Enjoined to Secure the Full Quota, and those Delinquent Censured.

One hundred and forty-four (144) Presbyteries have reported to your Committee. Of this number all but three (3) have paid in full, excepting those among freedmen and missionary stations. The exceptions are the Presbyteries of Columbus, Shenango and Lyons, who have paid the balance remaining in the hands of their commissioners after deducting their expenses, or $141, out of an assessment of $498.24.

Eight (8) Presbyteries have not reported to the Committee, viz., Mahoning, St. Clairsville, Dubuque, Iowa, Transylvania, Long Island, Blairsville and Utica, their total assessment being $1617.12.

Three (3) of these Presbyteries, viz., St. Clairsville, Iowa and Blairsville, have declined by a majority vote to report to the fund.

Believing that this fund is based upon the soundest principles of justice and wisdom, and that its proper administration is vital to the best interests of the Assembly, your Committee would call most earnest attention to the fact of the great increase in the number of Presbyteries who are disregarding its provisions, and are taking the funds raised for this purpose into their own hands.

With the exception of the freedmen and missionary Presbyteries, but five (5) of the whole number of Presbyteries failed to report in full to the Assembly of 1871. No action having been taken thereon, and the silence of the Assembly seeming thus to give consent to such irregularities, we have now eleven (11) Presbyteries, or an increase of six (6) in a single year, placing themselves outside of and above the regulations of the Assembly, and three of them by a deliberate vote of the bodies themselves. A similar increase for a very brief term of years will inevitably undermine and do away with the practical workings of this fund, and render it impossible to obtain a full and free representation of all the Presbyteries on the floor of the Assembly.

The Committee cannot avoid the conviction that those commissioners who have withheld from this fund moneys specially raised and designated

by the Presbyteries for it, and appropriated them for the payment of their own expenses, deserve the censure of the Assembly, and that those Presbyteries which, after deliberation, have voted to disregard a plain standing rule of the Assembly are still more deserving of its censure.

This fund should be sacredly guarded. All the churches and Presbyteries should cheerfully and promptly contribute their quota to it, as the wise and only provision by which the feeble and more remote Presbyteries can be represented, and under the present system the expenses of the Assembly fairly provided for.

We, therefore, recommend that this Assembly enjoin upon all the Presbyteries to take such action at their next meeting as shall secure the quota from each of the churches within their bounds, and that such full apportionment be faithfully sent to the treasurer of the Assembly, according to the rules adopted by this body in 1870.—Minutes, pp. 59–60.

We further recommend that the assessment for the General Assembly's Fund for 1873 be fixed at six (6) cents per member.—1872, p. 84.

Out of one hundred and fifty-three (153) Presbyteries, which number excludes a part of the freedmen and foreign Presbyteries, one hundred and fifty-three (153) have reported themselves to your Committee, and paid their assessments *in full*, leaving not a delinquent Presbytery nor a single deficient dollar. And two of these Presbyteries, Boston and Oregon, the farthest east and the farthest west, have overpaid their assessments—an irregularity which your Committee assumed to permit without express authority.

One hundred and fifty-eight (158) Presbyteries, which number includes the freedmen and a few foreign Presbyteries, have presented to your Committee claims for mileage amounting to the sum of $23,741.20, which claims have been paid *in full*.—1873, p. 545.

BOOK II.

OF DISCIPLINE.

CHAPTER I.

GENERAL PRINCIPLES OF DISCIPLINE.

I. DISCIPLINE is the exercise of that authority, and the application of that system of laws, which the Lord Jesus Christ hath appointed in his Church.

That our blessed Saviour for the edification of the visible Church, which is his body, hath appointed officers not only to preach the gospel and administer the sacraments, but also to exercise discipline for the preservation both of truth and duty, and that it is incumbent upon these officers and upon the whole Church, in whose name they act, to censure or cast out the erroneous and scandalous, observing in all cases the rules contained in the word of God.—*Form of Government*, chap. i., sec. iii.

II. The exercise of discipline is highly important and necessary. Its ends are the removal of offences, the vindication of the honor of Christ, the promotion of the purity and general edification of the Church, and also the benefit of the offender himself.

Prompt Discipline best Fitted to Secure a Happy Issue.

It is further the opinion of the Assembly that had the improper conduct of the appellant been made a subject of discipline at an earlier period, a more happy issue might have been reached. The Assembly formally and affectionately urges on the appellant a submission to the sentence of his brethren and a speedy return to the path of duty and privilege.—1859, p. 547, O. S.

III. An offence is anything in the principles or practice of a church member which is contrary to the word of God, or which, if it be not in its own nature sinful, may tempt others to sin or mar their spiritual edification.

[See Larger Catechism, Questions 104–148.]

MORAL QUESTIONS.

1. Breach of Sabbath Observance.

While, therefore, we earnestly entreat our fellow-citizens of every class to "remember the Sabbath day to keep it holy," the Assembly do hereby

in a special manner enjoin it upon the church sessions to watch over their brethren with tenderness and great fidelity in respect to the observance of the Sabbath, and to exercise wholesome discipline on those who by traveling or other ways presume to trample upon this sacred institution; and we further enjoin it upon the Presbyteries annually to institute inquiries of the eldership as to the manner in which this injunction has been attended to in their respective churches.—1853, p. 323, N. S.

[See Deliverances upon the Sabbath at large, under Directory for Worship, chap. i. Questions pertaining to the seventh commandment under Directory for Worship, chap. xi., secs. ii., iii.]

2. Theatrical Exhibitions and Dancing Condemned.

a. On the fashionable, though, as we believe, dangerous, amusements of theatrical exhibitions and dancing we deem it necessary to make a few observations. The theatre we have always considered as a school of immorality. If any person wishes for honest conviction on this subject, let him attend to the character of that mass of matter which is generally exhibited on the stage. We believe all will agree that comedies at least, with a few exceptions, are of such a description that a virtuous and modest person cannot attend the representation of them without the most painful and embarrassing sensations. If, indeed, custom has familiarized the scene, and these painful sensations are no longer felt, it only proves that the person in question has lost some of the best sensibilities of our nature, that the strongest safeguard of virtue has been taken down, and that the moral character has undergone a serious depreciation.—1818, p. 690.

b. Dancing a Dangerous Amusement, and to be Discouraged.

With respect to dancing, we think it necessary to observe that, however plausible it may appear to some, it is perhaps not the less dangerous on account of that plausibility. It is not from those things which the world acknowledges to be most wrong that the greatest danger is to be apprehended to religion, especially as it relates to the young. When the practice is carried to its highest extremes, all admit the consequences to be fatal, and why not, then, apprehend danger even from its incipient stages? It is certainly in all its stages a fascinating and an infatuating practice. Let it once be introduced, and it is difficult to give it limits. It steals away our precious time, dissipates religious impressions and hardens the heart. To guard you, beloved brethren, against its wiles and its fascinations, we earnestly recommend that you will consult that sobriety which the sacred pages require. We also trust that you will attend with the meekness and docility becoming the Christian character to the admonitions on this subject of those whom you have chosen to watch for your souls. And now, beloved brethren, that you may be guarded from the dangers we have pointed out and from all other dangers which beset the path of life and obstruct our common salvation, and that the great Head of the Church may have you in his holy keeping, is our sincere and affectionate prayer. Amen.—1818, p. 690.

c. Promiscuous Dancing calls for Faithful and Judicious Discipline.

Resolved, That the fashionable amusement of promiscuous dancing is so entirely unscriptural, and eminently and exclusively that of "the world which lieth in wickedness," and so wholly inconsistent with the spirit of Christ, and with that propriety of Christian deportment and that purity of heart which his followers are bound to maintain, as to render it not

only improper and injurious for professing Christians either to partake in it, or to qualify their children for it by teaching them the art, but also to call for the faithful and judicious exercise of discipline on the part of church sessions when any of the members of their churches have been guilty.—1843, p. 14, N. S.

Reaffirmed.—Minutes, 1853, p. 340, N. S. See also 1867, p. 513, N. S.

d. Social Dances and Private Theatricals.

Overture No. 5. An overture from the Presbytery of Cincinnati, proposing the following questions, viz.:

1st. Are social dances and private theatricals included under the head of "dancing and stage plays," mentioned in the Larger Catechism, amongst "the sins forbidden in the seventh commandment"?

2d. Is it the duty of the church sessions to exercise discipline upon those members of the Church who send their children to dancing schools, or who give and attend dancing parties? and if so, ought such discipline to be carried to the extent of exclusion from the sacraments, where other means fail of producing reformation?

The Committee recommended the following reply, which was adopted:

To the first question:

That whilst the pleasures of the ball-room and the theatre are primarily intended by the "dancing and stage plays" forbidden in the answer to the 139th question in the Larger Catechism, the spirit of the prohibition extends to all kindred amusements which are calculated to awaken thoughts and feelings inconsistent with the seventh commandment, as explained by the Saviour in Matt. v. 27, 28.—1860, p. 21, O. S.

e. Promiscuous Social Dancing and Dancing Schools.

To the second question:

That whilst we regard the practice of promiscuous social dancing by members of the Church as a mournful inconsistency, and the giving of parties for such dancing on the part of the heads of Christian families as tending to compromise their religious profession, and the sending of children by Christian parents to the dancing school as a sad error in family discipline; yet we think that the session of each church is fully competent to decide when discipline is necessary, and the extent to which it should be administered.—1860, p. 21, O. S.

f. Theatres and Card-playing.

In regard to so much of the above overture as refers to "theatres and theatre-going," this Assembly reaffirms the action of the General Assembly of 1818. [See Minutes, p. 690, and New Digest, pp. 262, 263.] In this action the Assembly declared the theatre to be "a school of immorality." This Assembly, seeing no occasion to modify the utterance then given, earnestly exhorts all the members of the Church in their practice to avoid, and by their influence to discountenance, all such "dangerous" amusements, as being inconsistent with the spirit of the gospel, and detrimental to the best interests of piety in the heart.

In respect to "the custom of fashionable card-playing," referred to by the memorialists, and represented as being "countenanced in many of our Christian households," and also "participated in by members of our churches," this Assembly would affectionately exhort all the members of the Presbyterian Church to practice the most careful watchfulness in avoiding all recreations and amusements, whether in the form specified in

the memorial or otherwise, which are calculated to impair spirituality, lessen Christian influence or bring discredit upon their profession as members of the Church of Christ.—1865, p. 45, N. S.

g. The Opera, the Theatre, the Dance and Card-playing.

A paper reported by the Committee on Bills and Overtures on the subject of the opera, the theatre, the dance and card-playing, was referred to a Committee, consisting of the Rev. Herrick Johnson, D. D., Rev. William E. Moore and Mr. Alexander Whilldin, to report at the adjourned meeting.

The Special Committee to whom was referred a paper on the subject of amusements presented their report, which was adopted, and is as follows:

The question of popular amusements is one that cannot be settled by statute. It has to do with the spirit and the life of Christianity rather than with the letter of its law. Hence the impossibility of specific enactment. But the very fact of its near and vital connection with spiritual life justifies and demands for it a thoughtful consideration.

What scriptural guidance have we in the matter? What posture ought the Church to assume toward so-called popular amusements? A sweeping condemnation of them would be a sweeping folly. To say of them all that they are inherently and positively sinful is simply to say what is not true. And to protest against suitable recreation would be to protest against a mental and moral necessity. A long-visaged and sombre-hued piety is not after the order of the gospel. That makes recognition of the laugh, the joy of life; has no frown for the play-side of our nature, bids us serve the Lord with gladness. Nowhere so much as in the heart of God's people should joy have her home and go rippling out in the channels of deed and speech.

But what is suitable Christian recreation? We are without a specific "Thus saith the Lord" for each specific form of pleasure. But this is by no means to acknowledge that we are without scriptural guidance. The spirit is broader and deeper than the letter. There are general principles whose profound and subtle reach makes it impossible that they should be framed by a law. Those that bear on this question of popular amusements are three:

I. The first general principle has respect to the relation which Christians sustain to each other. It is discussed in Rom. xiv., and in 1 Cor. viii. Christian liberty in things indifferent is there distinctly recognized, but it is bounded and limited by a higher law. We must not abuse our liberty to the offence of our brethren. We must bridle our knowledge with charity. We are bidden to beware how we tamper with the sanctities of a brother's conscience, and to beware how we trifle with the necessities of a brother's weakness. The law of conscience and the law of love are far more sacred and more precious and more to be regarded than the law of liberty. To the child of God they ought to be always paramount. To assert independence at the expense of wounding a brother's conscience is "to sin against Christ." "It is good neither to eat flesh, nor to drink wine, nor anything whereby thy brother stumbleth." Of course a merely personal, puerile, wretched scrupulosity is not to be foisted upon the Church for its government. But amusements whose tendencies are inherently and almost inevitably to excess, where the weak and the unstable may stumble and perish, and against which there is a general Christian conscience, are decisively condemned by this plain word of God.

II. The second general principle has respect to the relation which

Christians sustain to the world. It is negative and summed up in this: "Be not conformed to this world." It is a relation of nonconformity. Christians are to be unlike the world, and distinguishable from it. This idea of separateness runs through all the warp and woof of Scripture. And it clearly does not imply a separation from the grossly evil of the world. This is specifically and positively commanded. Christians are pledged and sworn to obedience by their very profession. The separation involved in nonconformity is from worldliness—from the worldly spirit. It is a demand that the whole tone and bent and current and spirit of the Christian life shall be different from that of the worldly life—so different that it shall be manifest to the world that the people of God are pilgrims and strangers on the earth; that they are walking with God; that they are a peculiar people, called out of the world while still remaining in it; God's witnesses; living epistles; the salt of the earth; distinctive, chosen, set apart, recognizable everywhere as having been with Jesus, and as holy in all manner of conversation. Let Christians apply to their lives this one central, prominent, gospel idea of nonconformity, let them press it on all their conduct until they give unmistakable exhibition of the spirit of these unmistakable words of Christ and the apostles, and it will go very far to settle this whole question of rational or irrational amusements.

III. The third general principle has respect to the relation which Christians sustain to Christ. It is positive, and summed up in this: "Whatsoever ye do, in word or deed, do all in the name of the Lord Jesus." Broad, comprehensive, universal in its applicability, yet most specific, after all, in its fundamental conditions—"Whatsoever ye do." In another place, applied to the every-day necessity and act of our life—eating and drinking; applicable, therefore, to our recreations. It is scriptural condemnation of every form of social diversion in which a Christian cannot indulge "in the name of the Lord Jesus." It is divine endorsement of whatever is done by a child of God, into which he may go, and out of which he may come, and through the progress of which he may continue, without there being one moment when it would be in any way inconsistent for him to ask his Lord's approval of him there, and of what he is doing, and witnessing and countenancing and supporting.

Let this principle be honestly and conscientiously applied. It will settle many a doubt. It will condemn many a popular amusement. It bars out every indulgence that cannot be had in consistent and loving remembrance of our Lord. Amusements that undermine the health and waste vitality; amusements by which the weak and lame are so often turned out of the way only to stumble and perish; amusements that make it appear as if God's children were as eager after and intent upon the gayeties and festivities of the world as the children of the world themselves; amusements making it essential for Christians to take positions that ought to bring, if they do not bring, the blood to their faces; amusements that compel Christians to witness scenes, and to hear quips and jests, soiling their spirits with suggested uncleanness,—these all, and all like these, are branded with condemnation by this divine precept. No true disciple of Christ can give himself to such amusements "in the name of the Lord Jesus."

We close as we began. This whole question must be taken out of the domain of abstract casuistry. It is not so much a question of absolute right and wrong as of conscience and charity. The spirit of our life is far more important than the letter of our law. The rule of love is higher than the law of liberty. Christianity antagonizes worldliness, it does not

conform to it. The Church should deal with it not so much by the axe of discipline as by the sword of the Spirit. Yet, without a doubt, the very law of love may sometimes require a kind, considerate, thoughtful exercise of the disciplinary power of the Church. But our chief appeal must be to the conscience. Our main reliance must be on the spirit and the life demanded by a whole-hearted surrender and commitment to the Lord Jesus. Those who are constrained by the love of Christ can scarcely allow themselves indulgence in any business or recreation, any work or play, into which and through which and out of which they cannot consistently go, with ever present and affectionate remembrance of Him "who gave himself for us that he might redeem us from all iniquity and purify us unto himself a peculiar people zealous of good works."—1869, pp. 487–489, N. S.

2. Gambling, Lotteries, Horse-racing, Betting, etc.

a. These Sins to be Denounced and Avoided.

The vice of gambling has also been forced upon our attention. We indeed hope that few, or perhaps none, of our actual professors have indulged themselves in the practice of what they consider as coming under the denomination of gambling. But perhaps there are some addicted to this practice who have evinced a predilection for our Church and forms of worship, and who are not unwilling to receive the word of admonition from us. Such we would earnestly exhort to consider in the most serious manner the consequences of the course they are pursuing, and the awful lessons which the experience of the world is every day exhibiting on this subject. But it is our duty further to testify that all encouragement of lotteries and purchasing of lottery-tickets, all attendance on horse-racing and betting on such, or any other occasions, and all attempts of whatever kind to acquire gain without giving an equivalent, involve the gambling principle and participate in the guilt which attaches to that vice.—1818, p. 690.

b. The report of the Committee on the subject of *lotteries*, which was laid on the table, was taken up and adopted, and is as follows, viz.:

That although so often sanctioned by legislative acts, although the proceeds of lotteries have not unfrequently been appropriated to benevolent and religious objects, although many wise and good men have, in periods past, by their participation or agency given countenance to lotteries, yet your Committee cannot view them in any other light than that of *legalized gambling.*

It would require volumes to record all the evils resulting from this system of predatory speculation. It adds nothing to the wealth of the community. It too often takes from the uninformed poor the property obtained by labor and skill, and transfers the same without the least equivalent into the hands of the idle and unworthy. It thus becomes the means of introducing and extending habits of gambling in all forms. Hundreds of families yearly are reduced to dependence and beggary, and not unfrequently its deluded victims terminate their miserable existence in this world by suicide.

Contemplating this multitude of evils to individuals, to families and to the community at large, your Committee beg leave to submit the following resolutions:

Resolved, 1. That in the opinion of this General Assembly all lotteries should be discountenanced by every professed member of the Presbyterian

Church, as immoral in their nature and ruinous in their effects upon individual character and the public welfare.

Resolved, 2. That the purchase and sale of lottery tickets should be avoided by every member of our Church, even when the professed object of the lottery may be praiseworthy, inasmuch as it is not allowable to do evil that good may come.

Resolved, 3. That all the Presbyteries under the care of the General Assembly be and they hereby are recommended to take order on the subject of lottery gambling, to press the consideration of it and its attendant evils upon ministers and sessions, and to adopt such plans of operation as may free the Church from all participation in this sin, enlighten, arouse and direct public opinion, and save our country from this and every other species of gambling.—1830, p. 306.

3. Duelists Excluded from Church Privileges, and Ministers recommended to Refuse Attendance on the Funeral of a Fallen Duelist.

The General Assembly, having taken into serious consideration the unhappy prevalence of the practice of dueling in the United States, and being anxiously desirous to contribute what may be in their power, consistently with their character and situation, to discountenance and abolish this practice—

Resolved unanimously, That they do, in the most unequivocal manner, declare their utter abhorrence of the practice of dueling and of all measures tending thereto, as originating from the malevolent dispositions of the human heart, and a false sense of honor, as a remnant of Gothic barbarism, as implying a presumptuous and highly criminal appeal to God as the sovereign Judge, as utterly inconsistent with every just principle of moral conduct, as a direct violation of the sixth commandment, and destructive of the peace and happiness of families; and the Assembly do hereby recommend it to the ministers in their connection to discountenance, by all proper means in their power, this scandalous practice.

Resolved also, That it be and it is hereby recommended to all the ministers under the care of the Assembly that they scrupulously refuse to attend the funeral of any person who shall have fallen in a duel, and that they admit no person who shall have fought a duel, given or accepted a challenge, or been accessary thereto, unto the distinguishing privileges of the Church, until he manifest a just sense of his guilt, and give satisfactory evidence of repentance.—1805, p. 339.

4. Slavery and Slaveholding.

Overture on Selling a Slave, a Member of the Church.

The following resolution was submitted to the Assembly, viz.:

Resolved, That a person who shall sell as a slave a member of the Church, who shall be at the time of sale in good standing and unwilling to be sold, acts inconsistently with the spirit of Christianity, and ought to be debarred from the communion of the Church.

After considerable discussion the subject was committed to Dr. Green, Dr. Baxter and Mr. Burgess, to prepare a report to be adopted by the Assembly, embracing the object of the above resolution, and also expressing the opinion of the Assembly in general as to slavery.

[The report of the Committee] being read, was unanimously adopted and referred to the same Committee for publication. It is as follows, viz.:

The General Assembly of the Presbyterian Church having taken into

consideration the subject of slavery, think proper to make known their sentiments upon it to the churches and people under their care.

We consider the voluntary enslaving of one part of the human race by another as a gross violation of the most precious and sacred rights of human nature, as utterly inconsistent with the law of God which requires us to love our neighbor as ourselves, and as totally irreconcilable with the spirit and principles of the gospel of Christ, which enjoin that "all things whatsoever ye would that men should do to you, do ye even so to them." Slavery creates a paradox in the moral system; it exhibits rational, accountable and immortal beings in such circumstances as scarcely to leave them the power of moral action. It exhibits them as dependent on the will of others whether they shall receive religious instructions; whether they shall know and worship the true God; whether they shall enjoy the ordinances of the gospel; whether they shall perform the duties and cherish the endearments of husbands and wives, parents and children, neighbors and friends; whether they shall preserve their chastity and purity, or regard the dictates of justice and humanity. Such are some of the consequences of slavery—consequences not imaginary, but which connect themselves with its very existence. The evils to which the slave is always exposed often take place in fact, and in their very worst degree and form; and where all of them do not take place—as, we rejoice to say, in many instances, through the influence of the principles of humanity and religion on the mind of masters, they do not—still, the slave is deprived of his natural right, degraded as a human being, and exposed to the danger of passing into the hands of a master who may inflict upon him all the hardships and injuries which inhumanity and avarice may suggest.

From this view of the consequences resulting from the practice into which Christian people have most inconsistently fallen, of enslaving a portion of their brethren of mankind—for "God hath made of one blood all nations of men to dwell on the face of the earth"—it is manifestly the duty of all Christians who enjoy the light of the present day, when the inconsistency of slavery both with the dictates of humanity and religion has been demonstrated and is generally seen and acknowledged, to use their honest, earnest and unwearied endeavors to correct the errors of former times, and as speedily as possible to efface this blot on our holy religion, and to obtain the complete abolition of slavery throughout Christendom, and, if possible, throughout the world.

We rejoice that the Church to which we belong commenced as early as any other in this country the good work of endeavoring to put an end to slavery, and that in the same work many of its members have ever since been and now are among the most active, vigorous and efficient laborers. We do indeed tenderly sympathize with those portions of our Church and our country where the evil of slavery has been entailed upon them—where a great, and the most virtuous, part of the community abhor slavery and wish its extermination as sincerely as any others—but where the number of slaves, their ignorance, and their vicious habits generally, render an immediate and universal emancipation inconsistent alike with the safety and happiness of the master and slave. With those who are thus circumstanced we repeat that we tenderly sympathize. At the same time, we earnestly exhort them to continue, and, if possible, to increase, their exertions to effect a total abolition of slavery. We exhort them to suffer no greater delay of slavery. We hope that those portions of the American Union whose inhabitants are by a gracious Providence more favorably circumstanced will cordially and liberally and earnestly co-operate with their brethren in bringing about the great end contemplated.

We recommend to all the members of our religious denomination not only to permit, but to facilitate and encourage, the instruction of their slaves in the principles and duties of the Christian religion, by granting them liberty to attend on the preaching of the gospel when they have opportunity, by favoring the instruction of them in the Sabbath-school wherever those schools can be formed, and by giving them all other proper advantages for acquiring the knowledge of their duty both to God and to man. We are perfectly satisfied that it is incumbent on all Christians to communicate religious instruction to those who are under their authority, so that the doing of this in the case before us, so far from operating, as some have apprehended that it might, as an incitement to insubordination and insurrection, would, on the contrary, operate as the most powerful means for the prevention of those evils.

We enjoin it on all church sessions and Presbyteries under the care of this Assembly to discountenance, and as far as possible to prevent, all cruelty of whatever kind in the treatment of slaves, especially the cruelty of separating husband and wife, parents and children, and that which consists in selling slaves to those who will either themselves deprive these unhappy people of the blessings of the gospel, or who will transport them to places where the gospel is not proclaimed, or where it is forbidden to slaves to attend upon its institutions. And if it shall ever happen that a Christian professor in our communion shall sell a slave who is also in communion and good standing with our Church, contrary to his or her will and inclination, it ought immediately to claim the particular attention of the proper church judicature; and unless there be such peculiar circumstances attending the case as can but seldom happen, it ought to be followed without delay by a suspension of the offender from all the privileges of the church till he repent and make all the reparation in his power to the injured party.—1818, p. 692.

[We have given the deliverance of 1818 upon the subject of slavery as containing substantially the whole testimony of the Church upon an evil now happily done away. For the full discussion of the subject, see New Digest, pp. 266–295, Baird's Digest, pp. 817–825, and the annual Minutes, 1862, p. 24, N. S.; 1863, p. 244, N. S.; 1861, p. 333, O. S.; 1863, p. 55, O. S.; 1869, p. 297, O. S.]

5. Intemperance.

[In 1811 Dr. Benjamin Rush presented to the Assembly one thousand copies of a pamphlet, entitled "An inquiry into the effects of ardent spirits upon the human body and mind." At the same session it was—]

Resolved, That the Rev. Drs. Miller, Miledoler and Romeyn, Rev. Messrs. James Richards, McNeice, Ezra Styles Ely and Gardiner Spring, Dr. John R. B. Rodgers, Col. Henry Rutgers and Mr. Divie Bethune, be a Committee to endeavor to devise measures which, when sanctioned by the General Assembly, may have an influence in preventing some of the numerous and threatening mischiefs which are experienced throughout our country by the excessive and intemperate use of spirituous liquors, and that this Committee be authorized to correspond and act in concert with any persons who may be appointed or associate for a similar purpose, and that the Committee hereby appointed report to the next General Assembly.—1811, p. 474.

[Upon the report of this Committee the next year, it was—]

b. Resolved, 1. That it be recommended to all the ministers of the Presbyterian Church in the United States to deliver public discourses, as often

as circumstances may render expedient, on the sin and mischiefs of intemperate drinking, in which, as well as on all suitable occasions, both public and private, it will be proper pointedly and solemnly to warn their hearers, and especially members of the church, not only against actual intemperance, but against all those habits and indulgences which may have a tendency to produce it.

2. That it be enjoined on all church sessions within the bounds of the General Assembly that they exercise a special vigilance and care over the conduct of all persons in the communion of their respective churches with regard to this sin, and that they sedulously endeavor by private warning and remonstrance, and by such public censures as different cases may require, to purge the Church of a sin so enormous in its mischiefs and so disgraceful to the Christian name.

3. That it be recommended to the ministers and other officers and members of our Church that they exert themselves to diffuse as extensively as possible among their congregations and the community at large such addresses, sermons, tracts or other printed compositions on this subject as may have a tendency to produce a suitable impression against the use of ardent spirits, and to recommend sobriety and temperance.

4. That it be recommended to the officers and members of our Church to take such measures as may be judged proper and effectual for reducing the number of taverns, and other places of vending liquors by small measure, in all those parts of our country in which either their excessive numbers or the improper character of such places render them a public nuisance.

It is believed that the evils arising from these sources are incalculably great, and that by prudent management they admit, under Providence, of very considerable diminution.—1812, p. 511.

c. Abstinence from the Common Use of Ardent Spirits urged.

In the pastoral letter of 1818 the Assembly earnestly recommend to the officers and members of our Church to abstain even from the common use of ardent spirits.—1818, p. 689.

d. On the Formation of the American Society for the Promotion of Temperance.

The Assembly *Resolved*, That the Presbyterian Church in the United States will with all readiness of mind co-operate with their Christian brethren of every denomination, together with every other friend of our country and of humanity, in one great national effort to accomplish a universal change in the habits and customs of our country relative to the intemperate use of intoxicating liquors.—1827, p. 214.

e. Day of Fasting and Prayer Appointed.

Resolved, That in view of the exceedingly heinous nature of the sin of intemperance in the use of ardent spirits, as in direct opposition to the authority and moral government of God; its widespread prevalence, infecting, as we are not without reason to apprehend, some members, and even officers, of the Church; the dreadful miseries it inflicts on society in all its interests, physical, political, moral and religious, and especially in view of the great guilt that rests on the Church in this matter, not merely from so many of her members participating in it, while others with thoughtless insensibility minister the means of its indulgence to its deluded vic-

tims, but especially in having greatly failed, as the light of the world and the salt of the earth, by her instructions, her example, her prayers, and her vigorous efforts every way, to stay the plague:—

The General Assembly do appoint the *fourth Thursday* of January, 1829, a day of *fasting, humiliation* and *prayer*, with special reference to this sin, and recommend to all the people of their communion its solemn observance as such. Moreover, they give it in charge to all their ministers who may officiate on this occasion, by prayer and study to have their minds thoroughly impressed with a sense of the greatness of this sin, and to endeavor so to conduct the exercises of the sanctuary that all the people to whom they may minister may be brought most fully under the same impression, and aroused to a vigorous exertion of all the means which duty and sound discretion dictate, for arresting this hateful and desolating abomination.—1828, p. 244.

6. Entire Abstinence from the Use of Ardent Spirits.

a. The report of the Committee on Temperance was taken up, and after mature consideration was unanimously adopted, and is as follows, viz.:

Resolved, 1. That this Assembly regard with devout gratitude and praise the great success which has attended the efforts of the friends of the cause of temperance during the past year, as evinced in the increase of the number and zeal of temperance societies, in the diminution of the sale of ardent spirits, and in the existence of a strong and increasing public sentiment against the use of it.

2. That they cordially approve and rejoice in the formation of temperance societies on the principle of entire abstinence from the use of ardent spirits, as expressing disapprobation of intemperance in the strongest and most efficient manner, and making the most available resistance to this destructive and widespreading evil.

3. That they deeply deplore the apathy manifested by many professing Christians toward the cause of temperance, while many distinguished persons who make no religious profession are prompt and powerful fellow-laborers with Christians in this worthy and divinely sanctioned cause. And especially do they grieve and wonder that members of our churches, in view of an evil so debasing and so awful in its prospective bearings on all the interests of the country, should not only take no part in the exertions of their brethren and fellow-citizens against intemperance, but by using and trafficking in ardent spirits be actively engaged in promoting it.

4. That they earnestly recommend, as far as practicable, the forming of temperance societies in the congregations under their care, and that all members of the churches adopt the principle of entire abstinence from the use of ardent spirits.

5. That as friends of the cause of temperance this Assembly rejoice to lend the force of their example to that cause as an ecclesiastical body by an entire abstinence themselves from the use of ardent spirits.—1829, p. 262.

b. Resolved, 1. That this Assembly considers itself called upon to make a public acknowledgment of the goodness of God for the unparalleled success with which he has crowned the efforts of those who are actively concerned in the promotion of temperance.

2. That the experience of the past year furnishes additional and most abundant evidence of the wisdom and importance of the plan adopted by the American Temperance Society.

3. That this Assembly feels bound to repeat a former recommendation

to the ministers, elders and members of the churches under its care, to discountenance the use of distilled liquors, not only by abstaining themselves from the use of such liquors, but by actively promoting every prudent measure devised for the purpose of furthering the cause of temperance.

4. That this Assembly earnestly recommends to all persons for whose spiritual interests it is bound to consult that they favor the formation of temperance societies on the plan of entire abstinence.—1830, p. 298.

c. The Assembly recommend to all the members of the churches under their care to be found the fast, unflinching and active friends of temperance, abstaining from all forms and fashions which would countenance to any extent the sin of intemperance, avoiding even the appearance of evil, disentangling themselves from all implication with the traffic and manufacture, and especially presenting in their whole lives a standing and unvarying exemplification of the only true principle of temperance—total abstinence from everything that will intoxicate.—1840, p. 15, N. S.

d. Wines and Fermented Liquors Discountenanced.

In 1864 the Assembly (N. S.) reiterates the sentiments and recommendations of former Assemblies, and calls upon its ministers and the members of its churches to renew their efforts in this direction, and especially to refrain from the use of cider, beer and ale as a beverage, and also from the manufacture and similar use of domestic wines.—1864, p. 508, N. S.

e. Entire Abstinence Recommended.

The Assembly of 1865 (O. S.), in answer to an overture asking for such a deliverance by the General Assembly as may encourage virtuous and philanthropic men in their efforts to purge our country from this gigantic evil, adopted the following minute:

The General Assembly has repeatedly expressed its earnest desire for the universal prevalence of temperance among the people of this land. But as a new exigency has arisen, growing out of the demoralizing tendency of war, this Assembly enjoins upon all their ministers, ruling elders and church members to use their influence upon those around them, particularly on our young men now returning from the army, and on our youth in academies and colleges, to practice entire abstinence from all intoxicating drinks as a beverage, which it is believed is the only sure protection against drunkenness. Intemperance is a great sin against God, as well as a bitter curse to man, obstructing the progress of the gospel of our Lord Jesus Christ in the world, and weakening its power over the hearts of men. Hence it is an imperative duty, required alike by piety and patriotism, to do whatever may be practicable "to stem the torrent that is sweeping myriads into the vortex of irretrievable ruin." Especially should there be the frequent utterance of friendly warning to the young and inconsiderate, "Touch not, taste not, handle not," accompanied by a corresponding example. This simple and effective remedy, carried into all the walks of life, will make our nation as prosperous and happy in peace as it has been heroic and victorious in war.—1865, p, 570, O. S.

Resolved, That total abstinence from all intoxicating drinks as a beverage is demanded from every Christian by the condition of society, the purity of the Church and the word of God.—1866, p. 274, N. S.

7. Manufacture and Traffic in Ardent Spirits.

a. That while this Assembly would by no means encroach upon the rights of private judgment, it cannot but express its very deep regret that any members of the Church of Christ should at the present day and under existing circumstances feel themselves at liberty to manufacture, vend or use ardent spirits, and thus, as far as their influence extends, counteract the efforts now making for the promotion of temperance.—1830, p. 298.

b. 2. That the practice of sending out ardent spirits to be used as a drink by the unevangelized and partially civilized nations and tribes of men is in our view a violation of the principles and precepts of the Christian religion, and ought to be abandoned throughout the world.

3. That the traffic in ardent spirits, to be used as a drink by any people, is in our judgment morally wrong, and ought to be viewed as such by the churches of Jesus Christ universally.—1834, p. 445.

[In the narrative for 1837 the Assembly say:]

c. It is with the utmost surprise and pain that we learn from the reports of two or three Presbyteries that some of their members, and even ruling elders, still manufacture and sell ardent spirits. These things ought not so to be. They are a stumbling-block to many, and have a manifest tendency to bring overwhelming calamities, both temporal and spiritual, on society at large. No church can shine as a light in the world while she openly sanctions and sustains any practices which are so evidently destructive of the best interests of society.—1837, p. 510.

d. May the Manufacture or Sale be made a Term of Communion?

Overture No. 15. The question whether the manufacturer, vender or retailer of intoxicating drinks should be continued in the full communion of the Church. The Committee recommended the adoption of the following resolution, viz.: That whilst the Assembly rejoice in the success of the temperance reformation, and will use all lawful means to promote it, they cannot sanction the adoption of any new terms of communion. Which was adopted.—1842, p. 16, O. S.

8. The Manufacture and Sale of Intoxicating Drinks an Offence.

The following paper, offered by Dr. Elliott, in the Assembly of 1865, was adopted, as expressing the views of the Church, viz.:

The great increase of intemperance throughout the land, especially in our towns and large cities, renders it imperative on the Church to put forth her influence to arrest it in its destructive progress. But to render her influence effective she must purge herself from all participation in the sin by removing from her pale all who are engaged in the manufacture and sale of intoxicating drinks for use as a common beverage.

When a person has been admitted to sealing ordinances in Christ's house, he ought not to be excluded but upon grounds which are sanctioned by the word of God and the discipline of the Church; and where such exclusion takes place, it is always founded upon an alleged offence against the authority and laws which Christ has established in his house. Hence, one of the ends of discipline, as laid down in our standards, is "the removal of offences" from the Church of Christ. In the very outset, then, it becomes necessary to ascertain what is an offence. In our Book of Discipline it is defined to be "anything in the principles on practice of a church member which is contrary to the word of God, or which,

if it be not in its own nature sinful, may tempt others to sin, or mar their spiritual edification." (Chap. i., sec. iii.) That the practice of manufacturing and retailing intoxicating drinks is, in its own nature, sinful, we do not affirm, and need not therefore consider it, in this sense, an offence against the laws of Christ's house. But that it tempts others to sin and mars their spiritual edification is too obvious to require proof. The retailer is the proximate agent in tempting many to drink to drunkenness, and in forming in others the appetite for strong drink which leads to brutal intoxication. In doing this he offends against God's children, who are grieved at his conduct, which is productive of such injurious results both to the bodies and souls of men. On these grounds, therefore, he is guilty of an "offence" against the word of God, which is very explicit in setting its seal of condemnation on such conduct. In the eighth chapter of his First Epistle to the Corinthians, the apostle has decided this point with great precision. In the church of Corinth some thought it to be right to eat meat which had been offered to idols, others thought it wrong. The matter was submitted to the apostle, who decided that although the act was not in its own nature sinful, yet if it became the occasion of offence or injury to a weak brother it ought not to be done. "But meat commendeth us not to God; for neither, if we eat, are we the better; neither, if we eat not, are we the worse. But take heed lest by any means this liberty of yours become a stumbling-block to them that are weak. For if any man see thee which hast knowledge sit at meat in the idol temple, shall not the conscience of him that is weak be emboldened to eat those things which are offered to idols, and through thy knowledge shall the weak brother perish for whom Christ died? But when ye so sin against the brethren and wound their weak conscience, ye sin against Christ. Wherefore, if meat make my brother to offend, I will eat no flesh while the world standeth, lest I make my brother to offend." According to this decision of the apostle, therefore, men "sin against Christ" when they "sin against the brethren" by doing that which, though not sinful in itself, becomes a stumbling-block to them, and tempts them to the commission of sin. Against such a course the apostle guards professing Christians, and declares that he had determined to avoid it.

Now, the apostle's decision in regard to the case at Corinth applies to the use of intoxicating drinks when manufactured and sold for a common beverage. When prepared and sold for this purpose, those who do so "sin against the brethren and wound their weak conscience," and thus "sin against Christ." Hence they are guilty of "an offence," their conduct being "contrary to the word of God."

Thus far the subject appears very plain. That a manufacturer and retailer of intoxicating drinks for the purpose mentioned is guilty of an offence proved to be such from Scripture, the foregoing remarks clearly demonstrate. But is it such an offence as ought to exclude persons from the full privileges of the Church? In maintaining the affirmative of this question, it is important to remark that whatever would prevent the admission of a person to the sealing ordinances of the Church, on his first application, ought, if found in connection with his character or conduct after his admission, to exclude him from her communion. This is so evident as to require no proof. What, then, would be considered a sufficient bar to the full enjoyment of the privileges of the Church? To this we reply that anything in the principles or practice of the applicant for admission which greatly impaired or destroyed the credibility of his profession of faith in Christ would be a sufficient ground of refusal. For the ground of admission, as presented both in the word of God and the stand-

ards of the Church, is a credible profession of faith in the Son of God. In the case of the jailer, the Ethiopian eunuch, and even of Simon Magus, who afterward apostatized, a credible profession was required and exhibited before they were admitted to the communion of the society of the faithful. The same principle is recognized in our standards. "Those who are admitted to sealing ordinances shall be examined as to their knowledge and piety." (Dir. Wor., chap. i., sec. iii.) (See also chap. iv., sec. iv.) From these passages it is manifest that such a profession as involves credible evidence of Christian character, in which knowledge and piety are essential elements, is required by our Book of those who would be admitted to sealing ordinances. Such being the case, whatever essentially impairs or destroys this evidence bars the way to their admission. Accordingly, it is provided that "such as are found to be ignorant or scandalous, notwithstanding their profession of the faith and desire to come to the Lord's Supper, ought to be kept from that sacrament, by the power which Christ has left in his Church, until they receive instruction and manifest their reformation." (L. Cat., 2, 173.) Ignorance and immorality of conduct are here indicated as sufficient grounds on which to refuse an applicant admission to the table of the Lord. The reason is that where either or both exist there is a want of credible evidence of Christian character; and where this is wanting, the person ought not to be admitted. And on the same ground, a person who has been admitted, if he be afterward found to be ignorant or scandalous, and thus destitute of the evidence of Christian character, ought to be excluded.

In the case which we are considering, the person in question does not give credible evidence in favor of his Christian character. He does not give such satisfaction with respect to his "knowledge and piety" as is sufficient to entitle him to continue in the full privileges of the Church as a member in good standing. For the man who, at the present time, is ignorant of the effects of the practice of the manufacture and sale of intoxicating drinks as a common beverage, in tempting others to sin and "marring their spiritual edification," must be criminally regardless of what is going on around him. And he who, knowing this, perseveres in the practice, evinces a state of heart directly the reverse of that which is produced by "the grace of God," that "teaches us that, denying ungodliness and worldly lusts, we should live soberly, righteously and godly in this present world." On the ground, therefore, that his profession of religion is destitute of the attributes which are necessary to render it credible, he ought not to be continued in the communion of the Church, nor certified as a member in good standing.

We are aware that it has been objected to this view of the case that it is establishing a new term of communion not before known in the Church. But upon the principles laid down and established, it is not. We have seen that credible evidence of Christian character, involving the exhibition of "knowledge and piety," is the old term of communion laid down in God's word and the standards of our Church. It has also been made to appear that the practice of manufacturing and retailing intoxicating drinks as a beverage is a sin against the brethren and against Christ, and while persevered in vitiates this evidence and works a forfeiture of the privileges of Christian communion. If the practice of the Church has been to any extent favorable to the admission or continuance of such persons in her communion, it only proves that the Church, in these cases, has overlooked or neglected to enforce the true principles of her standards. It cannot be fairly drawn into argument to prove that the principle is not there, or, if there, that it ought not to be applied in this, as in other cases

of visible offence against Christ and his Church. We conclude, therefore, that it is not adopting any new term of communion to exclude persons from sealing ordinances on the ground of their manufacturing and vending intoxicating drinks as a beverage. On the contrary, it is only falling back upon the teachings of the Bible and the Constitution of the Church, which requires visible Christianity, in a credible form, of those who would partake of these ordinances, and refuses the privilege to those who by overt acts of offence fail to present such evidence.—1865, p. 571, O. S.

9. Prohibitory Laws.

a. The following resolution upon the subject of temperance was unanimously adopted:

Resolved, That the General Assembly continue to view with deep interest the progress of the temperance reformation, most intimately connected with the vital interests of men for time and eternity, and they do especially hail its new phase through the action of several State Legislatures by which the traffic in intoxicating liquors as a beverage is entirely prohibited. They commend this new system of legislation to the attention and support of all ministers and churches connected with this body for its blessed results already experienced, and as able, if universally adopted, to do much to seal up the great fountains of drunkenness, pauperism and crime, and relieve humanity of one of its most demoralizing and distressing evils.—1854, p. 503, N. S.

b. Whereas, Intemperance is the great antagonist of domestic peace and social happiness, of sound morality and pure Christianity, and at war with all the dearest interests of man for this world and the future; and whereas, the experience of two hundred years proves that this evil can never be removed or effectively resisted while the traffic in intoxicating drinks is continued, it being necessary if we would stop the effect to remove the cause; therefore,

Resolved, 1. That this Assembly, as lovers of our holy religion, of our country and our race, and as office-bearers in the Church, can but feel a lively interest in the progress of the temperance reform.

Resolved, 2. That we here record our devout thanksgiving to almighty God for the recent unparalleled progress of this reform, as evinced by the action of the Legislatures of thirteen States and two Territories of our Union, in the passage of laws prohibiting entirely the traffic in all intoxicating beverages.

Resolved, 3. That in the opinion of this body laws prohibiting the sale of intoxicating drinks can interfere with the *rights* of no man, because no man has a right of any name or nature inconsistent with the public good or at war with the welfare of the community, it being a well-known and universally-acknowledged maxim of law that "No man has a right to use his own to the injury of his neighbor."

Resolved, 4. That we earnestly recommend to the ministers and congregations in our connection, and to all others, to persevere in vigorous efforts until laws shall be enacted in every State and Territory of our beloved country prohibiting entirely a traffic which is the principal cause of the drunkenness, and its consequent pauperism, crime, taxation, lamentation, war and ruin to the bodies and souls of men, with which the country has so long been afflicted.—1855, pp. 30, 31, N. S.

10. Relation of Temperance and other Moral Societies to the Church.

a. The Church of Jesus Christ is a spiritual body, to which have been given the ministry, oracles and ordinances of God for the gathering and perfecting of the saints in this life to the end of the world. It is the great instrumentality of the Saviour, through which, by his eternal Spirit, he dispenses salvation to the objects of his love. Its ends are holiness and life, to the manifestation of the riches and glory of divine grace, and not simply morality, decency and good order, which may to some extent be secured without faith in the Redeemer and the transforming efficacy of the Holy Spirit. The laws of the Church are the authoritative injunctions of Christ, and not the covenants, however benevolent in their origin and aim, which men have instituted of their own will; and the ground of obligation which the Church, *as such*, inculcates, is the authority of God speaking in his word, and not pledges of honor which create, measure and define the peculiar duties of all voluntary associations. In this kingdom of God the holy Scriptures are the only rule of faith and manners, and no church judicatory ought to pretend to make laws which shall bind the conscience, or to issue recommendations which shall regulate manners, without the warrant, explicit or implied, of the revealed will of God. It is, hence, beside the province of the Church to render its courts, which God ordained for spiritual purposes, subsidiary to the schemes of any association founded in the human will and liable to all its changes and caprices. No court of Christ can exact of his people to unite with the temperance, moral reform, colonization, or any other society which may seek their aid. Connection with such institutions is a matter of Christian liberty. Their objects may be in every respect worthy of the countenance and support of all good men, but in so far as they are moral and essentially obligatory, the Church promotes them among its own members—and to none others does its jurisdiction extend—by the means which God has ordained for the edification of his children. Still, in the exercise of their Christian liberty as good citizens, as patriotic subjects of the State, from motives of philanthropy and from love to God, Christian people may choose to adopt this particular mode of attempting to achieve the good at which all moral societies profess to aim; they have a right to do so, and the Church, as long as they endorse no false principles and countenance no wrong practices, cannot interfere with them. Recognizing these propositions as the truths of the word of God, this General Assembly, as a court of Jesus Christ, cannot league itself with any voluntary society, cannot exact of those who are subject to its discipline to do so, but must leave the whole matter where the Scriptures leave it—to the prudence, philanthropy and good sense of God's children, each man having a right to do as to him shall seem good.

These societies must appeal not to church courts, but to church members. When they proclaim principles that are scriptural and sound, it is not denied that the Church has a right, and under certain circumstances may be bound, to bear testimony in their favor; and when, on the other hand, they inculcate doctrines which are infidel, heretical and dangerous, the Church has a right to condemn them. In conformity with these statements the General Assembly has no hesitation in cordially approving of abstinence from intoxicating drinks as a matter of Christian expediency, according to the words of the apostle in Romans xiv. 21, "It is good neither to eat flesh nor to drink wine, nor anything whereby thy brother stumbleth, or is offended, or is made weak," and in expressing its affection-

ate interest in the cause of temperance, and would recommend to its ministers and elders who have become connected with temperance societies to use every effort to prevent the introduction of any other principle as the ground of their pledge, and to throw around these institutions those safeguards which shall be the means of rescuing them from the excesses to which they are liable from influences opposed to or aside from the gospel of Christ.—1848, p. 58, O. S.

No. 3. A memorial from the National Temperance Society asking the Assembly to send delegates to a national temperance convention. The Committee recommend as an answer, that while this Assembly approves all proper efforts made to suppress intemperance, it declines to send delegates, in its name, to the proposed convention. Adopted.—1873, p. 504.

b. In answer to an overture praying the Assembly to give the temperance cause a proper prominence among the means of reform sustained by the Church, and especially suggesting that if it would arrange or recommend that some proper temperance movement should sustain the same relation to the churches as the tract, the Bible and the missionarary causes do, both morally and financially, it would be of immense advantage to the cause, replied as follows:

In compliance with the request of the petitioners, the Assembly are willing to assign to the cause of temperance a relation to our Church not dissimilar to that which has been given to the benevolent objects with which it is compared. But with none of these do we maintain any other connection than that which their own moral power secures upon the free affection and esteem of our members. Very cheerfully and earnestly would this Assembly commend the cause of temperance to all the ministers and members of our Church, and urge them heartily to co-operate with every judicious effort in a Christian spirit to promote it; that pastors frequently preach upon the subject, and especially that no countenance be given to those social usages by which great temptations to intemperance are thrown before their fellow-men.—1860, p. 262, N. S.

11. Authority of the Deliverances on Temperance.

Overture No. 16, from the Presbyteries of Pittsburg and of Philadelphia Central, asking the Assembly for further action, clear and unmistakable, in regard to the manufacture, sale and use as a beverage of intoxicating liquors. The Committee recommend the following answer:

This General Assembly, believing the manufacture, sale and use of alcoholic stimulants as a beverage to be contrary to the spirit of God's word, and wholly inconsistent with the claims of Christian duty, *reiterate* the testimonies of former Assemblies on this subject.

The Assembly also affirm their conviction of the *reprehensible complicity* in the guilt of the aforesaid traffic of those who knowingly rent their premises for such purpose or endorse licenses that legalize it.

And further to give emphasis to the action now taken and the utterances of former Assemblies above referred to, the Board of Publication are directed to print an abstract of such former testimonies as cover the points referred to in the overtures, and send a copy thereof to every pastor and stated supply within our bounds, with the direction of the Assembly to read the same publicly from their respective pulpits.

Finally, the Assembly recommend the general circulation of a temperance literature as tending to inform and arouse the public conscience with reference to the evils of intemperance. And to aid in this they urge upon the attention of the Board of Publication the publishing, in addition to

those now on their catalogue, of such other treatises as shall be adapted to this end.—1871, p. 590.

12. Willful Absenting One's Self from the Ordinances of God's House.

a. The decision of the General Assembly in the case of the appeal of Alexander Frazer against a decision of the Synod of Buffalo refusing to sustain his appeal, and affirming the decision of the lower courts suspending him from the communion of the Church on the charge of a willful absenting of himself from the ordinances of God's house for the space of a year and a half, is that the appeal be *not sustained*, but the decision of the Synod affirmed:

First. Because the conduct charged, if the appellant was justly chargeable with such conduct, was a high offence.

Second. Because it was openly acknowledged in court by the appellant that he was chargeable with the offence charged, and this is not denied by any party.—1859, p. 546–7, O. S.

b. [In the appeal of Alexander Gordon *vs.* the Synod of Buffalo.] The Assembly deem any detailed expression of opinion in this case superseded by the minute already adopted in relation to the case of Mr. Frazer (see *a*, above), to which this corresponds in its leading features. . . . It is further the opinion of the Assembly that had the improper conduct of the appellant been made a subject of discipline at an earlier period, a more happy issue might have been reached. The Assembly formally and affectionately urges on the appellant a submission to the sentence of his brethren and a speedy return to the path of duty and privilege.—1859, p. 547, O. S.

c. The Assembly took up Judicial Case No. 6, being the complaint of the Rev. N. West, D. D., against the Synod of New York.

Mr. Rowland had absented himself from the ordinances of the Second Church of Brooklyn, New York, for some months. Upon application for his certificate the session gave him a certificate, omitting the words "*at present in good and regular standing*," and substituting for them a testimonial to his previous good Christian character, inserting at the same time a statement of the fact of his recent absence from the ordinances of the church. Mr. Rowland brought a complaint against the session before the Presbytery of Nassau, and the Presbytery sustained the complaint. Mr. West complained to the Synod against the Presbytery. The Synod of New York, by a vote of 10 to sustain, 12 to sustain in part, and 21 not to sustain, sustained the complaint of Rev. N. West against the Presbytery, and then, in its final minute, ordered a letter in the usual form to be given to Mr. Rowland. Against the decision of the Synod in adopting this minute Mr. West complains. . . .

Dr. Rodgers offered the following resolution, which was adopted:

Resolved, That the complaint of the Rev. N. West, D. D., be sustained, and the decision of the Synod in its final minute be and it hereby is reversed; and further that the Synod erred in prescribing to the session of the Second Church of Brooklyn the form of a certificate to be granted to Mr. Rowland after they had already granted a certificate to him which was agreeable to the Constitution of the Church and to the truth.—1864, p. 328, O. S.

d. The appeal and complaint of G. A. Hotchkiss against the Synod of Indiana for sustaining the session of Pleasant Township Church and the Presbytery of Madison in censuring him for absenting himself from pub-

lic worship on account of disagreement with his pastor. The papers were read in order, the regular process prescribed in the book was observed, and the Assembly voted unanimously that the action of the inferior courts be sustained and confirmed.—1854, p. 44, O. S.

e. Discipline Enjoined for Willful Absence.

Is it consistent with regular standing in our Church for church members to be supporters and attendants in other churches not of our communion while absenting themselves from and refusing to support the church to which they belong?

The Committee recommend that the question be answered in the negative, with an injunction on church sessions to make such cases a matter of discipline. Adopted.—1865, p. 537, O. S.

f. But may not be without Trial.

The same Committee further reported Overture No. 4, as follows: "Is it within the province of the session to *excommunicate* without formal trial a church member who makes a written confession of having embraced heretical views, and in consequence having violated covenant by long continued absence from the ordinances of the church, and who requests to be cut off from the church?" The Committee recommend that the party asking the above question be referred to the Book of Discipline, chap. iv., and such session be urged to follow strictly the order laid down therein.

The report was adopted.—1865, p. 12, N. S.

13. Deliverance on Marriage, Divorce and Infanticide.

Overture No. 44, relating to unscriptural views of marriage, divorce and infanticide. The Committee recommends the following, which was adopted:

The Committee on Bills and Overtures, to which was referred the paper relating to divorce and infanticide, begs leave to report that it recommends the adoption of the following:

That it is with great pain we are constrained to admit the increasing prevalence in many parts of our country of unscriptural views of the marriage relation, in consequence of which the obligations of that relation are disregarded by many, and separations of husband and wife and divorces for slight and unwarrantable reasons are becoming more frequent every year. Nor can we shut our eyes to the fact that the horrible crime of infanticide, especially in the form of destruction by parents of their own offspring before birth, also prevails to an alarming extent. The evils which these errors and crimes have already brought upon our country, and the worse evils which they threaten in the near future, make it imperative, as we believe, that the whole power of the ministry and Church of Jesus Christ should be put forth in maintenance of the truth and of virtue in regard to these things. Many causes have operated to produce a corruption of the public morals so deplorable, prominent among which may be mentioned the facility with which divorces may be obtained in some of the States, the constant promulgation of false ideas of marriage and its duties by means of books, lectures, etc., and the distribution through the mails of impure publications. But an influence not less powerful than any of these is the growing devotion to fashion and luxury of this age, and the idea which practically obtains to so great an extent that pleasure, instead of the glory of God and the enjoyment of his favor, is the great object of life.

It is, therefore, the duty of the Church of Christ to oppose in every practicable way these and all other corrupting agencies and tendencies, and we especially urge upon all ministers of the gospel the duty of giving instruction to the people of their respective charges as to the scriptural doctrine concerning the marriage relation. We warn them against joining in wedlock any who may have been divorced upon other than scriptural grounds. We also enjoin upon church sessions the exercise of due discipline in the cases of those members who may be guilty of violating the law of Christ in this particular.

This Assembly regards the destruction by parents of their own offspring before birth with abhorrence, as a crime against God and against nature; and as the frequency of such murders can no longer be concealed, we hereby warn those that are guilty of this crime that, except they repent, they cannot inherit eternal life. We also exhort those who have been called to preach the gospel, and all who love purity and the truth, and who would avert the just judgments of almighty God from the nation, that they be no longer silent or tolerant of these things, but that they endeavor by all proper means to stay the floods of impurity and cruelty.

We call upon all to remember that marriage is honorable not only in itself, but in its ends. Therefore all who seek to avoid the responsibilities and cares connected with the bringing up of children not only deprive themselves of one of the greatest blessings of life, and fly in the face of God's decrees, but do violence to their own natures, and will be found out of their sins even in this world.—1869, p. 937, O. S.

IV. Nothing, therefore, ought to be considered by any judicatory as an offence, or admitted as matter of accusation, which cannot be proved to be such from Scripture, or from the regulations and practice of the Church, founded on Scripture; and which does not involve those evils which discipline is intended to prevent.

a. New Terms of Communion will not be Sanctioned.

On the question whether the manufacturer, vender or retailer of intoxicating drinks should be continued in the full communion of the Church. The Committee recommend the following resolution, viz.: "That whilst the Assembly rejoice in the success of the temperance reformation, and will use all lawful means to promote it, they cannot sanction the adoption of any new terms of communion."

Which was adopted.—1842, p. 16, O. S.

b. Each Case must be Judged of by its own Circumstances.

Resolved, That the records of the Synod of Pittsburg be approved, except so far as they seem to establish a general rule in regard to the use and sale of ardent spirits as a beverage, which use and sale are generally to be decidedly disapproved; but each case must be decided in view of all the attendant circumstances that go to modify and give character to the same.—1843, p. 189, O. S.

V. The exercise of discipline, in such a manner as to edify the Church, requires not only much of the spirit of piety, but also much prudence and discretion. It becomes the rulers of the Church, therefore, to take into view all the circumstances which may give a different character to conduct, and render it more or less offensive; and

which may, of course, require a very different mode of proceeding in similar cases, at different times, for the attainment of the same end.

1. The Censure must be Proportionate to the Offence.

a. It being the order of the day, the Assembly proceeded to consider the appeal of Mr. Jabez Spicer from the decision of the Synod of Geneva, by which Mr. Spicer had been deposed from the gospel ministry. The documents on the subject were read, and the parties were heard. After a considerable discussion, the following resolution was adopted, viz.:

Resolved, That the appeal of Mr. Spicer be sustained, on the ground that the sentence pronounced upon him was disproportioned to his crime, it not appearing substantiated that he was guilty of more than a single act of prevarication; while, therefore, the Assembly express their entire disapprobation of the conduct of Mr. Spicer, as unbecoming a Christian and Christian minister, they reverse the sentence of deposition passed upon him by the Presbytery, and direct that after suitable admonitions and acknowledgments he be restored to the ministerial office.—1821, p. 24.

b. The discussion left unfinished yesterday afternoon was resumed, viz.: of the motion to reverse a decision of the Presbytery of Lexington, by which decision Mr. George Bourne was deposed from the gospel ministry. This motion, after it had been amended and fully discussed, was determined in the affirmative, and is as follows, viz.:

The Assembly judge that the charges in the case of Mr. Bourne were not fully substantiated, and that, if they had been, the sentence was too severe. Therefore,

Resolved, That the sentence of the Presbytery of Lexington, deposing Mr. Bourne, be reversed, and it is hereby reversed, and that the Presbytery commence the trial anew.—1817, p. 646.

c. The Assembly sustain the appeal of David Price from the decision of the Synod of Geneva, on the ground that the charge of intoxication was not sufficiently supported by the testimony; although it does appear, principally from his own confession, that he had made an unbecoming use of ardent spirits, and that an admonition was, in the view of the Assembly, deserved, and would have been sufficient.—1825, p. 155.

d. Resolved, That the decision of the Synod of Cincinnati, reversing the action of the Presbytery and session, upon the second charge, be sustained in part on the ground that the suspension of the parties accused was too severe in the case, and that the session be recommended to revoke the suspension and admonish the parties.—1865, p. 550, O. S.

[See also under chap. vii., sec. iii., sub-sec. x., 4.]

2. Great Tenderness Enjoined.

Whereas, It has appeared on the trial of judicial cases 1 and 2 (see Book of Discipline, chap. i., sec. iii., 12, *a*) that full testimony was given, as well in this court as in the trial in the courts below, to the exemplary Christian character of the appellants in these cases respectively; and

Whereas, The offence which has subjected said appellants to the discipline of the Church has arisen from a conscience misled by erroneous views of their duty; therefore,

Resolved, That it be recommended to the session of the Church of Caledonia to deal with these brethren with the utmost tenderness and Christian affection, that they may be led to see their errors and return to their duty, and that they may be restored to the fellowship of the Church, from which they have been too long separated.—1859, p. 548, O. S.

VI. All baptized persons are members of the church, are under its care, and subject to its government and discipline: and when they have arrived at the years of discretion, they are bound to perform all the duties of church members.

[See in full under Directory of Worship, chap. ix., sec. i., Of the admission of persons to sealing ordinances.]

VII. Offences are either private or public; to each of which appropriate modes of proceeding belong.

CHAPTER II.

OF PRIVATE OFFENCES.

I. PRIVATE offences are such as are known only to an individual, or, at most, to a very few.

II. Private offences ought not to be immediately prosecuted before a church judicatory, because the objects of discipline may be quite as well, and, in many cases, much better attained, by a different course; and because a public prosecution, in such circumstances, would tend unnecessarily to spread the knowledge of offences, to exasperate and harden offenders, to extend angry and vexatious litigation, and thus to render the discipline of the church more injurious than the original offence.

III. No complaint or information on the subject of personal and private injuries, shall be admitted, unless those means of reconciliation, and of privately reclaiming the offender, have been used, which are required by Christ, Matt. xviii. 15, 16. And in case of offences, which, though not personal, are private—that is, known only to one, or a very few, it is proper to take the same steps, as far as circumstances admit.

1. No Testimony may be Introduced Injurious to Parties not on Trial.

An overture on a case of discipline was taken up, and is as follows:

Suppose a member of the church is on trial, and his accuser is "Common Fame." One specification against him is, "*Speaking evil of his brethren A and B, while he neglects to take any gospel steps to bring them to repentance or to trial.*"

The specification is abundantly sustained by testimony, but the person on trial proposes to introduce testimony to prove that the reports which he circulated, and the opinions which he pronounced derogatory to the brethren named, were true. *Has the accused a right to introduce such tes-*

timony tending to injure the character of parties not on trial, nor connected at all with the prosecution, and having no opportunity for defence?

Would the session be authorized to reject such testimony, on the ground that if introduced it would not exculpate the accused, inasmuch as he had no right to circulate evil reports against his brethren, whether true or false, while neglecting to bring them to trial?

To this the following answer was given:

The person on trial under charges tabled on the ground of "Common Fame" has no right to introduce testimony which inculpates his brethren who are not on trial, and who have no opportunity to defend themselves, because it was his previous duty to take proper steps, if the persons were guilty of the evils which he had alleged against them, to bring them to repentance or free the church from the scandal.—1852, p. 177, N. S.

IV. Those who bring information of private and personal injuries before judicatories, without having taken these previous steps, shall themselves be censured, as guilty of an offence against the peace and order of the church.

V. If any person shall spread the knowledge of an offence, unless so far as shall be unavoidable, in prosecuting it before the proper judicatory, or in the due performance of some other indispensable duty, he shall be liable to censure as a slanderer of his brethren.

a. The Committee to which was referred the petition of certain individuals, members of the congregation in Tammany street, Baltimore, reported, and their report, being read and amended, was adopted, and is as follows, viz.:

That while it is unquestionably the privilege of individuals and members of the Presbyterian Church, when they think they see the peace, purity or prosperity of the Church in danger, either from an individual or from an inferior court, to apply to the General Assembly in an orderly manner for redress or direction, yet, in such cases, unless they mean to come forward as prosecutors with the necessary testimony, they should most carefully avoid mentioning names connected with charges of the most serious kind in support of which no evidence has been orderly adduced; nor have the individuals thus accused had an opportunity of replying to those charges, or of making any defence of themselves. The Assembly, therefore, cannot witness a procedure of this kind without expressing their disapprobation of it.—1824, p. 113.

b. Resolved, That the Assembly sustain the appeals of the session of the church of Bloomington and of Dr. Wylie against a decision of the Synod of Indiana, and the judgment of the Presbytery and session is hereby confirmed, on the ground that Mr. Harney circulated evil reports against Dr. Wylie without showing that he did it in the due performance of some indispensable duty; but it is the judgment of this Assembly that Mr. Harney shall still have the privilege, if he desire it, of commencing a prosecution against Dr. Wylie before the Presbytery of Vincennes; and in such case said Presbytery are hereby authorized and directed to hear the whole cause, and issue the same in a constitutional way.—1834, p. 443.

[See under III., above.]

CHAPTER III.

OF PUBLIC OFFENCES.

I. A PUBLIC offence is that which is attended with such circumstances as to require the cognizance of a church judicatory.

II. This is always the case when an offence is either so notorious and scandalous, as that no private steps would obviate its injurious effects; or when, though originally known to one, or a few, the private steps have been ineffectual, and there is, obviously, no way of removing the offence, but by means of a judicial process.

III. An offence, gross in itself, and known to several, may be so circumstanced, that it plainly cannot be prosecuted to conviction. In such cases, however grievous it may be to the pious, to see an unworthy member in the church, it is proper to wait until God, in his righteous providence, shall give further light; as few things tend more to weaken the authority of discipline, and to multiply offences, than to commence process without sufficient proof.

IV. When any person is charged with a crime, not by an individual, or individuals, coming forward as accusers, but by general rumor, the previous steps prescribed by our Lord in case of private offences, are not necessary; but the proper judicatory is bound to take immediate cognizance of the affair.

V. In order to render an offence proper for the cognizance of a judicatory on this ground, the rumor must specify some particular sin or sins; it must be general, or widely spread; it must not be transient, but permanent, and rather gaining strength than declining; and it must be accompanied with strong presumption of truth. Taking up charges on this ground, of course, requires great caution, and the exercise of much Christian prudence.

VI. It may happen, however, that in consequence of a report, which does not fully amount to a general rumor, as just described, a slandered individual may request a judicial investigation, which it may be the duty of the judicatory to institute.

CHAPTER IV.

OF ACTUAL PROCESS.

I. When all other means of removing an offence have failed, the judicatory to which cognizance of it properly belongs, shall judicially take it into consideration.

Judicial Cases should be Continued without Interruption.

The Judicial Committee recommend this Assembly to adopt the rule of the last General Assembly (Minutes of 1864, page 321), as follows:

Whereas, In the experience of this General Assembly and others the confusion arising from the frequent interruption of important business by other items of business wholly disconnected has greatly hindered the satisfactory interest and understanding of the members, as well as protracted our proceedings; therefore,

Resolved, That it be made a standing rule of the Assembly that all judicial cases be continued without interruption during the sessions of the day, after the Assembly shall have entered upon them, according to appointment, for the order of the day.—1865, p. 535, O. S.

II. There are two modes in which an offence may be brought before a judicatory: either by an individual or individuals, who appear as accusers, and undertake to substantiate the charge; or by common fame.

III. In the former case, process must be pursued in the name of the accuser or accusers. In the latter, there is no need of naming any person as the accuser. Common fame is the accuser. Yet a general rumor may be raised by the rashness, censoriousness, or malice, of one or more individuals. When this appears to have been the case, such individuals ought to be censured in proportion to the degree of criminality which appears attached to their conduct.

IV. Great caution ought to be exercised in receiving accusations from any person who is known to indulge a malignant spirit towards the accused; who is not of good character; who is himself under censure or process; who is deeply interested, in any respect, in the conviction of the accused; or who is known to be litigious, rash, or highly imprudent.

Admonition to Prosecutors.

And the Assembly judge it more necessary to admonish Mr. Galbraith, and all those who have been and now are connected with him in any controversy with Mr. Balch, not to cherish a spirit of litigation, malevolence and discord equally contrary to the general tenor of the gospel and to the peace and harmony of that branch of the Church with which they are connected; in particular that they withdraw, agreeably to their engagements to the Synod of the Carolinas, the civil suits which they have commenced,

and comply with the whole recommendation of the Synod on that subject. On the whole, the Assembly hope and trust that all the parties in this concern will feel the solemn obligations which lie upon them as professed disciples of the meek and lowly Jesus not to indulge a rancorous spirit, nor to rend and divide his Church by the indulgence of a haughty, uncomplying and unforgiving temper, but to unite mutually and cordially in endeavoring to close the wounds which they have unhappily opened, over which they have so much reason to mourn, and which we exhort and conjure them not to aggravate, but by every gentle and tender application to endeavor to heal.—1798, p. 159.

V. When a judicatory enters on the consideration of a crime or crimes alleged, no more shall be done at the first meeting, unless by consent of parties, than to give the accused a copy of each charge, with the names of the witnesses to support it; and to cite all concerned, to appear at the next meeting of the judicatory, to have the matter fully heard and decided. Notice shall be given to the parties concerned, at least ten days previously to the meeting of the judicatory.

1. Censure without Trial Informal.

a. Messrs. Ker and Rankin, the commissioners to this Assembly from the Presbytery of Lewes, in behalf and by the order of the said Presbytery, applied to the Assembly and remonstrated against a decision of the last Assembly in the case of Mr. Hindman, in which they conceive the Presbytery of Lewes is virtually condemned without their having had an opportunity of defending themselves, which they conceive they could readily have done.

After considerable discussion, it was

Resolved, As the sense of this house, that no man or body of men, agreeably to the Constitution of this Church, ought to be condemned or censured without having notice of the accusation against him or them and notice given for trial; and therefore, that if the General Assembly of last year meant by the minute in question to pass a censure on the Presbytery of Lewes, it was informal.—1793, p. 71.

b. There was an error in the Synod of North Carolina in expressing a judicial opinion in relation to charges against Mr. Davies which did not come before them.—1849, p. 264, O. S.

2. A Judicatory may not Suspend without Trial.

The Committee appointed to examine the records of the Synod of the Carolinas reported, and the book was approved to page 28 of the twenty-third sessions of said Synod, with the exception of the resolution to make a minister liable to suspension without trial for three years' absence from Synod, without sending forward his reasons for absence.—1811, p. 468.

3. Censure upon an Absent Person without Citation Disapproved of.

The Assembly, moreover, cannot forbear expressing their regret that the Presbytery of Washington should have passed a vote of censure upon Mr. McCalla without citing him to appear before them or giving him any opportunity of making a defence, since this mode of proceeding seems to have occasioned a portion of the irregularity in the Presbytery of West

Lexington, of which the Presbytery of Washington have complained.—1821, p. 21.

4. Ministers may not be Excluded from the Pulpits of the Churches, nor Members from Communion, without Trial.

Whereas, It appears from memorials sent up to this Assembly that several of our Presbyteries have adopted resolutions excluding slaveholders from their pulpits and from their communion; and whereas, our Constitution requires that no member of the Presbyterian Church shall be thus disfranchised without a regular trial and conviction; therefore,

Resolved, That the said Presbyteries be requested to rescind such resolutions.—1840, p. 24, N. S.

[See below, under sec. xv., *a*, *b*.]

VI. The citations shall be issued and signed by the moderator or clerk, by order, and in the name of the judicatory. He shall also furnish citations for such witnesses as the accused shall nominate, to appear on his behalf.

VII. Although it is required that the accused be informed of the names of all the witnesses who are to be adduced against him, at least ten days before the time of trial (unless he consent to waive the right and proceed immediately), it is not necessary that he, on his part, give a similar notice to the judicatory of all the witnesses intended to be adduced by him for his exculpation.

1. The Accused may not be Required to Declare what he Expects to Prove by his Witnesses.

The Judicial Committee in reference to Judicial Case No. 4—the case of J. H. Spillman against the Synod of Kentucky—after a further conference with the parties representing this case, would recommend to the General Assembly the adoption of the following minute disposing of the same:

While this General Assembly do not undertake to reverse the decision of the Synod of Kentucky against Mr. J. H. Spillman, it cannot be doubted—for it is admitted by the Synod's and the Presbytery's representatives here—that there were some informalities in the proceedings of the lower courts against Mr. Spillman, which this General Assembly is bound to disapprove; in particular, that the session had no right to insist upon Mr. Spillman's making known beforehand what he expected to prove by his witnesses as the condition upon which he should be allowed to proceed in the examination. On the other hand, it is equally clear that Mr. Spillman ought not to have abandoned his case, as it appears by the record that he did, upon that decision by the session. This General Assembly, however, grant leave to Mr. Spillman to withdraw his appeal, and recommend to the session of Paint Lick Church to take up the case where it was abandoned before their tribunal, provided that Mr. Spillman assure them that he has testimony to produce which may be relevant to the case.—1860, p. 45, O. S.

VIII. In exhibiting charges, the times, places, and circumstances should, if possible, be ascertained and stated, that the accused may

have an opportunity to prove an *alibi*, or to extenuate or alleviate his offence.

1. The Charge must be Specific.

a. Mr. Ewing complains against the Commission that they received charges against him which were vague and indeterminate. The Synod agrees that these charges are rather deficient in point of specialty, but are of opinion that the Commission acted with prudence and integrity in receiving said charges, inasmuch as they endeavored to reduce them to a specialty, and as Mr. Ewing submitted so far as to plead to them, and as the particular circumstances of the first and third Presbyterian congregations in Philadelphia were viewed by them as so critical as in their judgment required an immediate discussion of the affair.

Yet the Synod orders that all their judicatures shall for the future be particularly careful not to receive or judge of any charges but such as shall be seasonably reduced to a specialty in the complaint laid before them.—1770, p. 406.

Especially in Cases of Heresy.

b. There was a great deficiency in the charges preferred against Mr. Craighead as it relates to precision. All charges for heresy should be as definite as possible. The article or articles of faith impugned should be specified, and the words supposed to be heretical shown to be in repugnance to these articles, whether the reference is made directly to the Scripture as a standard of orthodoxy, or to the Confession of Faith, which our Church holds to be a summary of the doctrines of Scripture. But in none of the charges against Mr. Craighead is this done, and in two of them (third and fourth) it would be very difficult to say what articles of faith are supposed to be contravened in the errors charged on Mr. Craighead. And the last two charges appear to be so vague and indefinite as to be incapable of proof. In the fifth Mr. Craighead is charged with perverting, etc., the sentiments of the preachers and writers in our connection. Now, in our connection there are a multitude of preachers and writers differing by many shades of opinion from each other. How, then, can this be a just ground of accusation? In the sixth he is charged with the false coloring of facts, etc. But no facts are established by evidence, none are specified in the charge; and to make it a just ground of accusation, it ought to have been a designed and malicious discoloring of the facts, etc.—1824, p. 121.

c. The Assembly would further advise that all the charges against Mr. Spillman which may be wanting in definiteness be made, if practicable, more specific, so that they may be conformable to the directions of the Book of Discipline.—1860, p. 46, O. S.

IX. The judicatory, in many cases, may find it more for edification, to send some members to converse, in a private manner, with the accused person; and if he confess his guilt, to endeavor to bring him to repentance, than to proceed immediately to citation.

X. When an accused person, or a witness, refuses to obey the citation, he shall be cited a second time: and if he still continue to refuse, he shall be excluded from the communion of the church, for his contumacy, until he repent.

[See below, iv., sec. xi., Arthur's case.]

1. Contumacy not to be Hastily Inferred.

In the progress of this case the Presbytery proceeded regularly to cite the accused, once and again; and upon his not appearing, they proceeded to the trial, and having gone through the evidence they referred the whole to the Synod to adjudicate upon it, with the expression of their own opinion that Mr. Craighead ought to be suspended. The Synod met immediately after Presbytery, and took up the case, and in concurrence with the opinion of the Presbytery suspended Mr. Craighead from the gospel ministry.

In this proceeding the General Assembly are of opinion that there was too much haste. Mr. Craighead was not guilty of contumacy, for he wrote two letters to the Presbytery excusing himself for non-attendance; and if he had been guilty of contumacy, he ought to have been suspended on that ground.—1824, p. 121.

[Craighead's case, see below, chap. vii., sec. iii., sub-sec. x.]

2. Proceedings in Case of Contumacy.

When an accused church member is contumacious on a second citation, the member is suspended for contumacy; is it the duty of the session after having examined witnesses and spread the testimony on the record to decide the case, and enter the judgment also on the record?

Answered by referring to Book of Discipline, chap. iv., secs. x., xi. and xiii.—1865, p. 537, O. S.

3. Contumacious.—Restored on Submission.

The Committee to whom was referred the appeal of Mrs. Maria Hill from the decision of the Synod of Albany at their stated meeting at Catskill in her case respectfully report:

That after examining the documents presented, and hearing the statements of the parties, by themselves or counsel, your Committee are satisfied that substantial justice has been done in their case.

The alleged irregularities in the lower judicatories which are complained of are of a technical character, or caused by the course pursued by the appellant or her agents. She could at any time have arrested the proceedings and prevented a conviction of contumacy by submitting to the authority of her session and answering their citations, and can now at any moment reverse the sentence and be restored in the manner provided by the tenth article of the fourth chapter of our Book of Discipline.

Your Committee, therefore, recommend that the appeal of Mrs. Maria Hill be not sustained. Adopted as the decision of this Assembly.—1864, p. 504, N. S.

[See in full below, chap. iv., sec. xiii.—1866, p. 282–288, N. S.]

XI. Although, on the first citation, the person cited shall declare in writing, or otherwise, his fixed determination not to obey it; this declaration shall in no case, induce the judicatory to deviate from the regular course prescribed for citations. They shall proceed as if no such declaration had been made. The person cited may afterward alter his mind.

1. Contumacy not to be Charged on first Citation.

The Assembly sustained the appeal of Mr. Arthur from the sentence of the Presbytery, by which he was suspended from the gospel ministry on the ground of contumacy, because the Presbytery appeared to have been precipitate, and not to have observed the constitutional rules. [See Discipline, chap. iv., secs. vi., x. and xi.] They deem, too, the request of Mr. Arthur for a copy of the first sentence to have been reasonable, and that it ought to have been complied with.—1822, p. 53.

2. The Forms of Process may not be Dispensed with.

a. Is it within the province of the session to excommunicate, without formal trial, a church member who makes a written confession of having embraced heretical views, and in consequence having violated covenant by long-continued absence from the ordinances of the Church, and who requests to be cut off from the Church?

The Committee recommend that the party asking the above question be referred to the Book of Discipline, chap. iv., and such session be urged to follow strictly the order laid down therein.

The report was adopted.—1865, p. 12, N. S.

b. [See also under Form of Government, chap. ix., sec. vi.]

If an accused person confess judgment, the actual process may be shortened, but it cannot be dispensed with.—1866, p. 268, N. S.

XII. The time which must elapse between the first citation of an accused person, or a witness, and the meeting of the judicatory at which he is to appear, is at least ten days. But the time allotted for his appearance in the subsequent citation is left to the discretion of the judicatory; provided always, however, that it be not less than is quite sufficient for a seasonable and convenient compliance with the citation.

XIII. The second citation ought always to be accompanied with a notice, that if the person cited do not appear at the time appointed, the judicatory, besides censuring him for his contumacy, will, after assigning some person to manage his defence, proceed to take the testimony in his case as if he were present.

1. In the Absence of the Accused Counsel must be Assigned.

But the appeal from the first sentence, by which the charge of slander preferred against him by the Rev. Joshua L. Wilson was declared to be substantiated and Mr. Arthur required to submit to a rebuke, the Assembly could not sustain. For, although the Assembly noticed the omission of Presbytery to assign Mr. Arthur counsel to manage his defence (see Discipline, chap. iv., sec. xiii.), yet they did judge the pamphlet, of which Mr. Arthur admitted himself to be the author, to contain slander against Mr. Wilson, and could not but disapprove of the spirit under the influence of which it appeared to have been written.—1822, p. 53.

2. In case of Contumacy, the Order of Procedure.

a. Where an accused church member is contumacious on a second citation, and the member is suspended for contumacy, is it the duty of the ses-

sion, after having examined witness and spread the testimony on the record, to decide the case and enter the judgment also on the record?

Answered by referring to the Book of Discipline, chap. iv., secs. x., xi. and xiii.—1865, p. 537, O. S.

b. When the Judicatory has taken the Testimony as above, it may Proceed to Trial and final Judgment as if the Accused were present.

[The Assembly of 1865 (N. S.) appointed a Special Committee—Rev. Samuel W. Fisher, D. D., Rev. Thomas Brainerd, D. D., Rev. Ezra E. Adams, D. D., Hon. William Strong, LL.D., and Hon. Joseph Allison, LL.D. —to report to the next Assembly. See Minutes, 1865, p. 49. Their report was presented the next year and was adopted, viz.:]

The undersigned, a Special Committee, to whom was referred Overture No. 14, to the General Assembly of 1865, together with the report of a former Committee thereon, and who were instructed to report to the present Assembly, respectfully submit the following:

The overture is in these words: "When the judicatory have proceeded, in accordance with chap. iv., sec. xiii., of the Book of Discipline, to take the testimony in the case of an accused person, may they proceed to pass judgment thereon, as if he were present, or shall he be left simply under censure for contumacy?"

The question thus presented is exclusively one of power. It is not whether, in all cases, it is advisable that a church judicatory should proceed to a final determination of the case; nor is it what has been the usage in some of the tribunals of the Church; but it is strictly, What does the Book of Discipline authorize? It is freely admitted, that a long course of usage under a statute is no inconsiderable evidence of the meaning of that statute; but it must be a usage growing out of the enactment itself, and claimed to have been authorized by it. Mere neglect to exercise powers conferred is no proof that they were not granted. Had the fathers of the Church generally decided that, by the fourth chapter of the Book of Discipline, no power is recognized in a judicatory to proceed to the trial of an accused person when he has refused to obey its citations, that his contumacious refusal must arrest all steps to purify the Church of the offence charged, beyond taking evidence to prove that offence, and had such a construction of the Book been generally accepted, it ought to have weight in answer to this overture. But there is no evidence that any such judicial construction has been generally given to the language of the Book. Undoubtedly there have been differences of opinion, and, possibly, it may have been decided in some judicatory, that jurisdiction over an offence charged is necessarily suspended, whenever an accused person disobeys the citations; but this is of little value in determining what the framers of the Book of Discipline meant by its directions respecting process, trial and judgment. It is much more important that, in certain cases, where the proof is clear, as where the accused has confessed his guilt, or where he has been convicted of violating the civil law and has absconded, church sessions have been accustomed to proceed to trial and judgment, notwithstanding a refusal of the accused to appear in answer to citations. Such cases are judicial assertions of power, never denied, so far as we are informed.

But there is not enough in judicial decision nor in authoritative usage to settle the question. After all, it must be answered from the Book; and the true inquiry is, What is the fair interpretation of the rules laid down in the fourth chapter? A universally recognized rule of construction is,

that, when the purpose of a statute is clear, the means given for effectuating it are to be interpreted with reference to the purpose, and, if possible, so as to secure its accomplishment. Now the ends of discipline are clearly defined. They are declared, by the second section of the first chapter, to be "the removal of offences, the vindication of the honor of Christ, the promotion of the purity and general edification of the Church, and also the benefit of the offender himself." The fourth chapter contains the directions given to church judicatories, by which these ends are to be secured. Manifestly, they were intended to be a complete and efficient system adequate to the purposes in view. If they fail of that, the avowed object of their framers is defeated. Then there is no power to remove an offence in any case where the alleged offender refuses to submit himself to trial. Plainly, it is the offence charged which is sought to be removed, either by bringing the offender to repentance, or by the judgment of the Church upon it, and ultimately, if necessary, removing the offender. It is from that offence the Church is to be purified, and the honor of Christ vindicated, for by that offence the evil has been done. Anything that comes short of discipline for that, fails of accomplishing the avowed purposes for which the directions of the fourth chapter were prescribed. Contumacious disobedience of citations is another distinct offence, punishment for which is entirely collateral to discipline for the cause that induced the commencement of the process. It is contempt of the lawful authority of the Church, and suspension for it is summary punishment for the collateral offence alone. Neither directly nor indirectly is it an expression of opinion respecting the delinquent's guilt or innocence of the charge preferred originally against him. Suspension for contumacy would be proper, without regard to anything beyond it. It is quite conceivable that an accused person may willfully disobey citations, and yet be innocent of the charges made against him. It certainly would be an anomaly in any judicial proceeding to hold that a penalty inflicted for a collateral offence vindicates the law against another and possibly much greater crime.

If, therefore, the defined ends of discipline are to be secured, a church session must have power to proceed to trial and judgment, though the accused person refuse to obey the citations duly served upon him; and it is not to be concluded, without clear evidence, that means given to secure those ends are inadequate. When the meaning of the language used in the fourth chapter is sought, the best guide to it will be found in the paramount intention the language was designed to subserve. The directions given must be construed consistently with that intention; to further rather than to defeat it. Looking then to the sections of the fourth chapter, and regarding them as part of a system designed for the purposes above mentioned, to be interpreted so as to harmonize with those purposes as well as with each other, the conclusion seems inevitable that whenever an accusation has been made against a church member, and a church judicatory has entered judicially upon its consideration and obtained jurisdiction by serving of citations upon him, it may go on to final judgment, though he refuses to obey the citations. It is observable that the entire fourth chapter is but an outline of process. It does not undertake to prescribe minutely each step that may be taken. It does not even expressly authorize a judicatory to proceed to trial in any case. It rather assumes that, having taken judicial cognizance of the proceeding, the tribunal will go to trial and judgment. Like a writ of summons in a civil court, the citation is notice that the judicatory has assumed jurisdiction of the case, and that it will proceed to its final determination. When that notice has been

given as prescribed, it is contemplated rather than expressly required that witnesses will be examined; that a trial will be proceeded with, and that a judgment will be given. All these things are implied from what is directed respecting them. They are not affirmatively enjoined or even permitted. Thus it is said, "witnesses shall be examined in the presence of the accused, or at least after he shall have received a citation to attend," and that he shall be permitted to ask any questions tending to his exculpation. This is a regulation of the mode of examination, not a direct gift of power to take testimony, yet the implication of power is irresistible. The fourteenth section prescribes certain things before proceeding to trial; and the fifteenth declares that the trial shall be fair and impartial; but nowhere is it said there shall be a trial. The sixteenth section requires the judgment to be regularly entered on the record; but no section in words authorizes a judgment. Everywhere it is assumed that these successive steps in a judicial proceeding may be taken. It would be a rash conclusion from the absence of a specific grant of these powers to deny any right to take testimony, to try and to give judgment. The powers are not only to be implied, but they are comprehensively given by the general provision of the first section, that "the judicatory shall *judicially* take the offence into consideration when all other means of removing it have failed;" and they are included also in the directions to issue citations. Nor is there any substantial distinction made between cases in which the accused yields obedience to the citations and those in which he is contumaciously disobedient. The thirteenth section is the only one that is supposed to make a difference. By that a second citation is required, to be accompanied with a notice, that if the person cited do not appear at the time appointed, the judicatory, "besides censuring him for his contumacy, will, after assigning some person to manage his defence, proceed to take the testimony in his case, as if he were present." It has sometimes been asked, if it was intended that the judicatory might proceed in such a case to final judgment, why was not notice required that they would thus proceed? Why limit the notice to taking testimony? These questions are easily answered. A notice that the judicatory will proceed to trial and decision would be unnecessary and superfluous. It has already been given in the assumption of jurisdiction over the case and in the citations; but notice of taking testimony is a different matter. Separate notice of that is generally given in all judicial proceedings. Its design is to give a party an opportunity to cross-examine the witnesses produced against him. And, as the judgment in all ecclesiastical courts must be founded upon evidence, as a judgment for default of appearance is not authorized, it is proper that the accused should have special notice of taking the testimony, though he may refuse to appear in answer to the citation. In fact, however, notice that the testimony will be taken is notice that the judicatory will go on with the trial; for taking testimony is a part of trial, its first stage. Undue inferences are therefore drawn from the form of the notice, if it is supposed to indicate that the proceedings are to stay, when the testimony shall have been taken. At most, it raises but a very feeble implication that, because notice of one thing is required (a thing very peculiar in itself, and always demanding a special notice), therefore nothing else can be done. A similar mode of reasoning would render a trial in any case impossible.

Moreover, the thirteenth section affords strong affirmative evidence that a trial and judgment were contemplated by its framers, notwithstanding the refusal of the accused to obey the citations. The evidence is found in the notice that the judicatory will assign some person, not to appear for

the accused at the examination of witnesses, but to "manage his defence." The idea of defence in a judicial proceeding is inseparable from answer or trial. If, therefore, the non-appearing accused has a defence to be managed, he has an answer to be put in, a trial to undergo. Taking testimony in support of the accusation is no part of the defence. Cross-examination of the witnesses may be a part, but the appointee of the judicatory is to manage the whole.

It may also be argued that the provision for taking testimony at all, when an accused person fails to respond to the citation, implies that the case may proceed to a final determination. For what purpose take testimony, if no action is to be based upon it? If it be said to preserve it for use when the accused, repenting of his contumacy, may choose to appear for trial, it may be answered that no such purpose appears in the book. None of the provisions usual, when the object sought to be accomplished is the perpetuation of testimony, are even hinted at. By the sixteenth section the judgment is required to be entered upon the records of the judicatory, but nothing is said of the preservation of unused evidence. It is not even required to be reduced to writing, unless demanded by one of the parties.

It may also be argued from the language of the fourteenth section that a trial for the offence charged is intended, though the citations have been disobeyed. In that section it is said that judicatories, "before proceeding to trial," "ought to ascertain that their citations have been duly served on the persons for whom they were intended." If a person cited is in attendance, nothing is to be ascertained respecting the service of the citation. It is plain, therefore, that this injunction refers mainly at least to proceeding to trial of an absent accused, and it assumes that the judicatory will, after having assured itself of the service of the citations, go on to adjudicate the case. This section is susceptible of no other meaning.

A similar implication is found in the next section, the fifteenth, which declares that "the trial shall be fair and impartial," and that "the witnesses shall be examined in the presence of the accused, *or, at least, after he shall have received due citation to attend.*" This is a regulation of the mode of trial, and it is expressly made applicable both to cases where the accused yields obedience to the citation and to cases where he does not. With these harmonize the sixteenth section, which assumes that there will be a judgment, and the seventeenth, nineteenth and twentieth sections, prescribing the discipline to be administered in the event of conviction. The last of these directs excommunication in certain cases. Its fair interpretation evidently is that the ground of such extreme action is not contumacy in disobeying process, but the gross offence charged, to answer for which the accused had been cited.

Taking all these sections into consideration, and regarding them as parts of one system, as having reference to the same subject-matter and designed to secure the ends avowed, the Committee are constrained to regard them as applicable to the course of proceeding through all the stages of trial alike in cases where the accused does not appear in obedience to the citations as when he does. In both the judicatory is empowered to proceed to trial and to final judgment.

To this conclusion an objection has sometimes been urged that at first mention seems to have some plausibility. It is that trial of a person in his absence and the rendition of judgment against him are in conflict with common right and justice; that even criminal courts in State governments do not try offenders in their absence, and that ecclesiastical courts ought to avoid *ex parte* proceedings. The objection aims less at the power of a

judicatory, as recognized by the Book of Discipline, than it does at the policy of exercising it. But it misapprehends what are acknowledged common right and justice, what are the proceedings of courts of law and equity in analogous cases, and what are *ex parte* proceedings. Nowhere is it held that a man may not deny himself his plainest rights. While he may not be tried for an alleged offence without having an opportunity to be heard, he has no just cause to complain of a trial to which he has been summoned by a tribunal having jurisdiction, and which he has persistently refused to attend. In such a case it is he who throws away his own rights. They are not taken from him. This is a principle universally recognized in courts of civil law and of equity, and such courts go farther. They construe a refusal to obey process requiring an appearance as a substantial confession of the complaint, and they render judgment accordingly. It is true, State courts having criminal jurisdiction do not try persons for crimes and misdemeanors in their absence. This is for two reasons: They have power to compel attendance, which ecclesiastical courts have not; and the punishments they inflict affect the life, the liberty or the property of the convicted criminal. In fact, they concern the life or the liberty of the accused; for even if the penalty be only a fine, its payment is usually enforced by detention in custody until satisfaction be made. But ecclesiastical tribunals can pronounce no judgment that touches either the life, the liberty or the property of the accused. Their sentences are peculiar. Indeed, it is asserting a false analogy to assimilate a trial before a church session to an indictment and trial in a criminal court. It bears a much stronger resemblance to proceedings very common in courts of law, in which members of associations or corporations are called upon to respond for some alleged breach of corporate duty, for which they are liable to be punished by the imposition of penalties or by amotion from membership. In such cases, when the person summoned refuses to obey the mandate of the writ, courts proceed at once to dispose of his case and render final judgment. No one ever supposed that by so doing injustice was done or that any right of the accused was invaded. Much less can he complain who has been cited to answer an accusation taken into judicial cognizance by a church judicatory and who has contumaciously refused to obey the citation, if the tribunal proceed to try the case, presuming nothing against him but contumacy from his refusal, but founding its judgment solely upon the testimony of witnesses. This objection, therefore, when examined, appears to be without substance.

In conclusion, it remains only to recommend, as the opinion of the Committee, that the overture be answered by a declaration of the Assembly that in the case proposed the judicatory may proceed to trial and final judgment as if the accused were present.—1866, pp. 283–288, N. S.

XIV. Judicatories, before proceeding to trial, ought to ascertain that their citations have been duly served on the persons for whom they were intended, and especially before they proceed to ultimate measures for contumacy.

XV. The trial shall be fair and impartial. The witnesses shall be examined in the presence of the accused; or, at least, after he shall have received due citation to attend; and he shall be permitted to ask any questions tending to his own exculpation.

a. In Trying a Case the Judicatory may not Censure One not on Trial.

The Commission on Judicial Case No. 2 presented the following report, which was adopted:

The Commission to whom was referred Judicial Case No. 2, being the complaint of sundry members of the Presbytery of Oxford and others against the Synod of Cincinnati in the matter of the complaint of Alexander Guy against the Presbytery of Oxford, beg leave to report that after a careful examination of the case, as it appears of record, and a full hearing of the parties, they unanimously recommend the following minute:

This complaint against the Synod is founded not so much on what the Synod did in condemning the record entered by the Presbytery of Oxford in the case, as on the failure of the Synod to censure the party to whom the record related. Now, in no sense was that party before the Synod. No charges had been tabled, no formal complaint against him had been laid before that body. It would, therefore, have been incompetent for the Synod, in trying the issue between Dr. Guy and the Presbytery of Oxford, to have censured another person not on trial before it, and only incidentally connected with the proceedings.

But whilst refusing to sustain the complaint against the Synod under these circumstances, the Assembly would remind the complainants that they have a remedy against any grievances under which they may labor in the regular forms of procedure laid down in our Book of Discipline.

It is recommended that the complaint be not sustained.—1867, p. 360, O. S.

b. Nor Pass Sentence without Conviction by Trial.

In the complaint of Rev. John Mack, etc., against a decision of the Synod of Illinois the Assembly *inter alia* declare:

The action of the Presbytery upon a certain resolution was extra-judicial.

Our Book of Discipline, chap. v., sec. vii., pronounces a man a slanderer who on trial fails to make good his charges.

S. L. Hobson was censured as a slanderer without the court reaching by trial the point contemplated in our Book.—1867, p. 355, O. S.

[See below, chap. v., sec. vii., 5.]

XVI. The judgment shall be regularly entered on the records of the judicatory; and the parties shall be allowed copies of the whole proceedings, at their own expense, if they demand them. And, in case of references, or appeals, the judicatory referring, or appealed from, shall send authentic copies of the whole process to the higher judicatory.

1. Appellant Entitled to a Copy of the Sentence.

They deem too the request of Mr. Arthur for a copy of the first sentence to have been reasonable, and that it ought to have been complied with.—1822, p. 53.

2. What is an Authentic Copy?

a. By "the forms of process" Mr. Bourne ought to be allowed copies of the whole proceedings in his case, yet the judicatory appealed from is by the same rules "to send up authentic copies of the whole process;"

his copy, therefore, which he says was taken by himself, but is not shown to the Assembly, is not sufficient; his affidavit is not required by the course of proceeding in this body, and the three papers presented by him are not to be considered as the commencement of a cause, or the entry of an appeal in this judicatory.—1816, p. 627.

b. [See Form of Government, chap. xx.: "It shall be the duty of the clerk . . . to grant extracts from the records whenever properly required, and such extracts under the hand of the clerk shall be considered as authentic vouchers of the fact which they declare in any ecclesiastical judicatory, and to every part of the Church."]

3. Where Courts Fail to Send up Documents, the Case is Remanded.

a. It appearing from the official certificates of the stated clerks of all the courts below that important documents in evidence before the session which first tried the case were not sent to the Presbytery and Synod, it is therefore

Ordered, That this case be sent back to the Presbytery of Charleston for a new trial, and that the session of the church of Columbia be directed to correct their record and to send to Presbytery an authentic copy of all the evidence and all the documents before them.—1843, p. 186, O. S.

b. Lower Courts Directed to Send Up Complete Records.

It appearing that the record in the case of Abigail Hanna against the Synod of Wheeling is incomplete, although the Assembly are informed that a complete record was sent by the Synod, it is ordered that the courts below send up a complete record to the next General Assembly.—1843, p. 192, O. S.

c. It appears to the Committee that Mr. Russell has conducted his complaint in due form, but the Synod has failed to furnish the documents needful to its prosecution. The minutes of Synod are present, and complainant has furnished attested copies of minutes of Presbytery and of the testimony of witnesses examined. But we have still no attested copy of the charges which had been the basis of the original trial, nor of sundry papers referred to in the Presbytery's records, and which had been received as testimony. The Committee recommend to the Assembly the adoption of the following resolutions in the case:

Resolved, 1. That the Synod of Georgia be directed to send up to the next Assembly authenticated copies of all their records, and of the whole testimony relating to the matter of the complaint, together with their reasons for not sending up the papers to this Assembly, unless the case shall be previously adjusted.

Resolved, 2. That the papers received from complainant be returned to his own custody. Adopted.—1852, p. 212, O. S.

XVII. The person found guilty shall be admonished, or rebuked, or excluded from church privileges, as the case shall appear to deserve, until he give satisfactory evidence of repentance.

Censure not to be Removed without Evidence of Repentance.

The Assembly having heard the complaint of the Presbytery of Carlisle against the Synod of Philadelphia in the case of William S. McDowell, with the facts and arguments offered both by the Presbytery and the

Synod, judged that the Synod had a constitutional right to reverse the decision of the Presbytery in the case, either in whole or in part, as to them might seem proper, but that in the exercise of this right the Synod have not duly regarded the principles of discipline prescribed in the Constitution, inasmuch as it appears by their records that they have removed all censure from a man whom they declare to be deserving of rebuke, without directing that rebuke to be administered, and without receiving any evidence of his penitence.—1823, p. 81.

XVIII. As cases may arise in which many days, or even weeks, may intervene before it is practicable to commence process against an accused church member, the session may, in such cases, and ought, if they think the edification of the church requires it, to prevent the accused person from approaching the Lord's table, until the charge against him can be examined.

The Accused may be Suspended Pending the Issuing of the Case.

Overture No. 21. An inquiry from J. A. Clayton: *Whereas*, Our Book of Discipline, chap. v., sec. ii., says, "the same general method, substituting Presbytery for the session," is to be observed in investigating charges against a minister as are prescribed in the case of private members, Does this authorize the Presbytery to apply the principle contained in chap. iv., sec. xviii., to ministers against whom charges exist that cannot be seasonably tried, so far as to suspend them from the functions of the gospel ministry until they can be tried? P. S.—If the above will not apply, what should a Presbytery do in the case?

The Committee recommended the following resolution, which was adopted, viz.:

Resolved, That when charges are tabled against a minister, and it is impracticable at once to issue the case, the Presbytery has the right, if the interests of religion seem to demand the measure, to suspend him from the exercise of his ministerial functions until the case shall have been issued.—1848, p. 34, O. S.

See below, under v., ix.

XIX. The sentence shall be published only in the church or churches which have been offended. Or, if the offence be of small importance, and such as it shall appear most for edification not to publish, the sentence may pass only in the judicatory.

XX. Such gross offenders, as will not be reclaimed by the private or public admonitions of the church, are to be cut off from its communion, agreeably to our Lord's direction (Matt. xviii. 17), and the apostolic injunction respecting the incestuous person. 1 Cor. v. 1–5.

XXI. No professional counsel shall be permitted to appear and plead in cases of process in any of our ecclesiastical courts. But if any accused person feels unable to represent and plead his own cause to advantage, he may request any minister or elder, belonging to the judicatory before which he appears, to prepare and exhibit his cause

as he may judge proper. But the minister or elder so engaged, shall not be allowed, after pleading the cause of the accused, to sit in judgment as a member of the judicatory.

1. No one not a Member of the Judicatory may act as Counsel.

The Committee on Bills and Overtures reported Overture No. 5, as follows: "May the session of a church, at the request of an accused brother, assign as his counsel a minister of the gospel belonging to the same Presbytery to which the session belongs?"

The Committee answered:—"There is no provision for such a case in our Constitution; and, though it does not appear to contravene its spirit and design, and might in special cases be allowable with advantage; yet, a strict interpretation of chap. iv., sec. xxi., of the Book of Discipline, seems to preclude the employment of any one as counsel who is not a member of the judicatory. The report was adopted.—1851, p. 29, N. S.

2. Professional Counsel in all Cases Excluded.

The Committee on Bills and Overtures, reported, No. 1, from the Presbytery of Tuscaloosa, requesting the Assembly to answer the following question: "Is it a violation of our Book of Discipline for professional counsel, under all circumstances, to aid in the examination of witnesses?"

The Committee recommended that the question be answered in the affirmative. The report was adopted.—1852, p. 205, O. S.

3. One acting as Counsel may Speak in any Discussion on the Adoption of a Minute in the Case.

[In a judicial case on a motion to adopt a minute expressing the judgment of the Assembly] "Robert J. Breckinridge rose to speak in opposition to it: when objections were made to hearing him, inasmuch as he was counsel for one of the parties. The moderator decided that he should be heard in any discussion on the adoption of a minute. An appeal was taken from this decision of the chair by A. T. Rankin, but was not sustained. The moderator's decision was approved."—1858, p. 300, O. S.

4. Counsel Assigned by Request of the Parties.

a. The appeal and complaint of Robert Finley and Smith Bloomfield against the Synod of New Jersey.

R. J. Breckinridge was allowed at the request of the former appellant to aid him in conducting his cause: and James Hoge and Nathaniel Hewitt were allowed, at the request of Myron Barrett, to aid him, in the absence of two other members of a Committee appointed by the Synod of New Jersey, to defend the Synod in this case.—1858, p. 286, O. S.

b. Rev. Dr. Humphrey, chairman of the Judicial Committee, reported case No. 5, being a complaint of William B. Guild against the Synod of New Jersey, and stated that the complainant requested the appointment of a member to take charge of his interests in the case. The Committee recommended the appointment of Rev. S. S. Sheddon, and he was appointed.—1863, p. 19, O. S.

c. In the absence of the appellant, counsel was appointed by the court. —1823, p. 72.

XXII. Questions of order, which arise in the course of process, shall be decided by the moderator. If an appeal is made from the chair, the question on the appeal shall be taken without debate.

XXIII. In recording the proceedings, in cases of judicial process, the reasons for all decisions, except on questions of order, shall be recorded at length; that the record may exhibit everything which had an influence on the judgment of the court. And nothing but what is contained in the record, may be taken into consideration in reviewing the proceedings in a superior court.

1. Reasons for Decision must be Recorded in Full.

a. The Committee appointed to examine the records of the Synod of Pittsburg, reported, and the book was approved, excepting the resolution on page 74, disapproving of the proceedings of a Presbytery without assigning the reason.—1820, p. 728.

b. The records [of the Synod of Ohio] were approved with the exception of a minute on page 243, disapproving of a decision of a Presbytery, and ordering said Presbytery to reconsider that decision, without any reasons being assigned.—1827, p. 202.

c. Censured if Unsatisfactory.

The Synod of Pennsylvania, in approving the action of a Presbytery in a judicial case, assigned an entirely unsatisfactory reason.—1850, p. 314, N. S.

d. The Committee on the Records of the Synod of Onondaga reported, recommending that they be approved as far as written, with the following exception:

On page 186 we find the Synod administering censure to the Presbytery of Cayuga for an act of discipline toward one of its churches, on the ground that the reasons for such discipline were not given according to the requirements of our Book of Discipline, yet on the next page we find the said Synod reaffirming the acts of a church censured by its Presbytery, and reversing the decision of the Presbytery without giving the required reasons for such singular proceeding. The report was adopted.—1863, p. 277, N. S.

e. Case ordered to a new trial because the reasons for the decision of Synod were not recorded according to the requisition in chap. iv., sec. xxiii., Book of Discipline.—1861, p. 344, O. S.

2. All Testimony before the Court should be Engrossed on the Book of Permanent Record.

a. Also, Overture No. 6, from the Presbytery of Catskill, asking whether, in cases of judicial process by church sessions, the testimony of witnesses should be engrossed on the book of permanent records. The Committee recommended that the following answer be given:

The testimony of witnesses, in all cases of judicial process by church sessions, should be engrossed on the book of permanent records. The end to be secured by such a record is indicated in our Book of Discipline, chap. iv., sec. xxiii., where it is required, that everything which had an influence on the judgment of the court must be exhibited by the record. Files are liable to be separated from the book of permanent records; and nothing but what is contained in the record may be taken into consideration in reviewing the proceedings in a superior court.

The recommendation was adopted.—1862, p. 34, N. S.

b. Filing the Testimony declared to be Sufficient.

Overture from Angus Johnson, asking whether it be necessary for a Presbytery to place testimony on its records in judicial cases.

The report of the Committee recommended, as amended on motion of B. M. Smith, that it is sufficient that testimony be duly authenticated and carefully preserved on file to make it part of the record.

Adopted.—1859, p. 536, O. S.

3. Testimony not on Record Admitted by Consent.

a. The following papers were offered and ordered to be entered on the minutes, viz.:

I offer to the Assembly the paper called "An Appendix" as the records furnished by the Presbytery in my case, and request that it may be read as containing evidence which was before the Presbytery, and which was not before the Synod. ALBERT BARNES.

The prosecutor in the case of Mr. Barnes, and the Committee appointed by the Synod of Philadelphia, to defend their decision in the same case, hereby agree to the introduction of a document entitled "An Appendix," etc. Not, however, as a part of the records of the inferior judicatory, but as testimony adduced by the appellant to substantiate any statements he has made, or may yet make.

GEORGE JUNKIN,
S. G. WINCHESTER,
G. W. MUSGRAVE,
DAVID MCKINNEY,
Committee of Synod of Philadelphia.

The document called the Appendix, numbered from pp. 1 to 58 inclusive, containing the trial, testimony of the parties, Junkin and Barnes, and final decision of the Second Presbytery of Philadelphia, in the said case of Junkin and Barnes, was read.—1836, p. 256.

b. The decision of the Synod of New Jersey, of which J. Kirkpatrick and others complain, was read, together with the complainants' reasons of complaint. The records of the Synod in the case were read, and it was moved to read a paper which was not before the Synod, but was admitted by the parties to be an original paper. After debate, it was moved to remit the whole case to the Synod of New Jersey, with an injunction to send up a complete record; and pending the motion, the court rose.

The motion to remit the case to the Synod of New Jersey was withdrawn; when it was agreed by the court that the paper offered this morning be read, which was done.—1841, p. 428, O. S.

4. Minutes of Interlocutory Meetings in Judicial Cases should be Recorded; also Report of Judicial Committee in the Case.

The Presbytery of Louisiana should have recorded the results of the interlocutory meeting referred to in the complaint. The Synod acted unconstitutionally in permitting the Presbytery of Louisiana to vote on the adoption of the report of the Judicial Committee on the complaint of Rev. Mr. Smylie.

The Synod should have placed on its records the above-mentioned report.—1850, p. 481, O. S.

See the case in full under chap. vii., sec. iii., sub-sec. x. See also for illustrations of the principle stated under chap. vii., sec. iii., sub-sec. viii.

5. Everything Influencing the Judgment of the Judicatory should be Spread upon the Records.

The Synod of Illinois have not discharged their duty. They ought to have spread upon their record everything which influenced their judgment in the case, and also to have sent to this Assembly authentic copies of the whole proceedings, with all the documents which had been regularly before them.—1840, p. 302, O. S.

CHAPTER V.

OF PROCESS AGAINST A BISHOP OR MINISTER.

I. As the honor and success of the gospel depend, in a great measure, on the character of its ministers, each Presbytery ought, with the greatest care and impartiality, to watch over the personal and professional conduct of all its members. But as, on the one hand, no minister ought, on account of his office, to be screened from the hand of justice, nor his offences to be slightly censured; so neither ought scandalous charges to be received against him, by any judicatory, on slight grounds.

See under Form of Government, chap. x., sec. viii., and Discipline, chap. i., sec. iii.

II. Process against a gospel minister shall always be entered before the Presbytery of which he is a member. And the same candor, caution, and general method, substituting only the Presbytery for the session, are to be observed in investigating charges against him, as are prescribed in the case of private members.

1. Discipline of a Minister can be only by his own Presbytery.

A proposition from the Presbytery of West Lexington and Louisville, to the Assembly to authorize them to prosecute ministers of other Presbyteries, who may preach heresy within their bounds, was taken up and read.

Whereupon it was resolved, That the Constitution in secs. ii., iii. or iv., of chap. v., of the Book of Discipline, contains sufficient provision on the subject overtured.—1835, p. 476.

2. Even when Non-resident.

a. The Presbytery of New York represented to Synod that one of their members now resided in the bounds of New Brunswick Presbytery, whose moral character labored under some imputations, and requested the advice of Synod as to which of the Presbyteries should make the inquiry into that matter, whereupon the Synod judged it to be the duty of the Presbytery of New York.—1782, p. 495.

[See under v., iii., below.]

b. Difficulty of Process does not relieve the Presbytery of Responsibility.—Discipline by Boards of Missions, etc., not Recognized.

The Committee on the Polity of the Church made a report, which was adopted, and is as follows:

The Third Presbytery of New York, by overture, inquire what order it would be proper for them to take with reference to a member who has been excluded from Christian fellowship by a ministerial association under the patronage of the A. B. C. F. M., and dismissed from the service of that Board for immorality, and with whom a regular process of discipline by the Presbytery is difficult, on account of his distance from them and from any ecclesiastical body of our connection. The General Assembly reply, that the ecclesiastical relations of the individual in question evidently remain unchanged by the action of persons not organized under any distinct form of government, and especially not guided by the principles of discipline to which he was subject; and the only correct course for the Presbytery to take, if they regard him as a proper subject of discipline, is to pursue precisely the forms of process given in our Book of Discipline, however difficult or protracted the actual process may be.—1856, p. 194, N. S.

c. The Board's Discretion as to Expediency of Appointment.

The Committee, to whom was recommitted the report on Overture No. 9, made the following report, which was adopted, viz.:

In answer to the questions propounded by the Presbyteries of Union and French Broad, the Assembly would say, that though they do not recognize in the Board of Missions the authority to sit in judgment upon the orthodoxy or morality of any minister who is in good standing in his own Presbytery, yet, from the necessity of the case, they must exercise their own sound discretion upon the expediency or inexpediency of appointing or withholding an appointment from any applicant, holding themselves amenable to the General Assembly for all their official acts.—1830, p. 290.

3. On Petition for Restoration.—Case Transferred to the Presbytery in which the Party Resides.

a. Resolved, That the case of Mr. George Bourne be referred to the Presbytery of New York, in whose bounds he now resides; and it is hereby ordered that the Presbytery of New York be furnished by the Presbytery of Lexington with all the documents relative to the deposition of Mr. Bourne; that they receive testimony as to the character and deportment of Mr. Bourne since his deposition, and also the evidences of repentance which Mr. Bourne may furnish. And it is ordered, moreover, that the said Presbytery of New York do proceed to issue the case, and either continue the sentence of deposition or restore him, the said Bourne, to the gospel ministry, as they may judge proper.—1824, p. 124.

b. The Judicial Committee presented the following supplementary report:

10. Case of C. J. Abbott. In the year 1860, Mr. Abbott was tried, on what was declared to be a charge of common fame, by the Presbytery of St. Louis, and deposed from his office as a minister of the gospel. The Synod, at a meeting in the same year, confirmed the action of the Presbytery. Mr. Abbott gave notice of an appeal to the General Assembly, and the papers were properly authenticated, and sent to a minister who had been elected a Commissioner to the next Assembly, who promised to pre-

sent them; but he was taken sick, so that he could not attend, and neglected to forward them. Soon after, Mr. Abbott had paralysis, and ever since has been feeble and poor, so that the case was not prosecuted before the Presbytery of St. Louis withdrew from the jurisdiction of the General Assembly, and the Synod was no longer in existence as at the time of his trial.

Mr. Abbott declares his personal allegiance to this Assembly, as far as he can be permitted to express allegiance, and that, had he remained a member of the Presbytery, he should not have gone with the majority; and now brings this statement, and various papers accompanying it, to this Assembly, for consideration with a view to his relief.

From these papers your Committee learn the following facts respecting his trial before the Presbytery:

1. While the charges were based on common fame, efforts were made for more than a year to obtain some basis of complaint; and on one occasion, on receipt of an anonymous letter offering to give information, a Committee was appointed "to ferret out" the matter and learn grounds for a charge.

2. The grounds of the principal charges were matters of from eight to ten years' standing.

3. Witnesses were called and allowed to testify, whose names had not been given the defendant in the citation, and against his protest. In one instance, these were several in number.

4. Persons prominent in the prosecution were notoriously prejudiced against the defendant.

5. Efforts were made to intimidate those who might be inclined to sustain the defendant.

All these items the Committee think to be distinctly opposed to the instructions of our Book of Discipline. Moreover, the trial was at an adjourned meeting, when comparatively few members were present; and it was prosecuted, notwithstanding his physician certified that Mr. Abbott was too ill to attend with safety; and questions deemed important to the cause of the defendant were repeatedly ruled out.

For these reasons, the Committee recommend that Mr. Abbott have a rehearing, and that he be referred to the Presbytery of Cleveland, within the bounds of which he now resides, with instructions to that Presbytery to adjudicate the case.

The report was adopted.—1873, p. 540.

III. If it be found that the facts with which a minister stands charged, happened without the bounds of his own Presbytery, that Presbytery shall send notice to the Presbytery, within whose bounds they did happen, and desire them either (if within convenient distance) to cite the witnesses to appear at the place of trial; or (if the distance be so great as to render that inconvenient) to take the examination themselves, and transmit an authentic record of their testimony: always giving due notice to the accused person of the time and place of such examination.

[See the case of Aaron C. Collins, referred by the Assembly to the General Association of Connecticut, 1793, p. 68.]

1. A Suspended Licentiate can be Restored only by the Presbytery which Suspended him.—Another may take Testimony.

The Committee, to which was referred the statement of the commissioner from the Presbytery of Fayetteville, respecting a licentiate of the Presbytery of Hopewell, who had been suspended, both from the privilege of preaching the gospel, and from the enjoyment of the sealing ordinances of God's house, reported the following resolution, which being read, was adopted, viz.:

Resolved, That the only correct mode to be pursued by the licentiate, in order to obtain restoration to his former standing, is to make direct application to the Presbytery of Hopewell; and that the Presbytery of Fayetteville may, with propriety, collect and transmit to the Presbytery of Hopewell, any testimony, touching the moral character of said licentiate, while living within the bounds of the Presbytery of Fayetteville, whenever requested by either the licentiate or the Presbytery of Hopewell.—1822, p. 39.

[See above, under sec. ii., 1835, p. 476.]

2. Such Presbytery has no Power to Try, but only to take Testimony.

2. That in the opinion of this Assembly, the Presbyteries both of Harmony and Steubenville appear to have misconceived the directions as laid down in chap. v., secs. iii., iv., of the Book of Discipline; inasmuch as those rules do not transfer jurisdiction from a Presbytery to which a minister belongs, to the one within whose bounds he resides, so as to authorize the latter Presbytery to try such minister; but only to examine witnesses in the case, and transmit an authentic record of the testimony to the Presbytery which made the application; therefore,

Resolved, 3. That the Presbytery of Harmony is at liberty to pursue such a course in the case of Mr. Belknap as the circumstances of the case and the good of religion shall in their opinion require.—1831, p. 339.

IV. Nevertheless, in case of a minister being supposed to be guilty of a crime, or crimes, at such a distance from his usual place of residence, as that the offence is not likely to become otherwise known to the Presbytery to which he belongs; it shall, in such case, be the duty of the Presbytery within whose bounds the facts shall have happened, after satisfying themselves that there is probable ground of accusation, to send notice to the Presbytery of which he is a member, who are to proceed against him, and either send and take the testimony themselves, by a commission of their own body, or request the other Presbytery to take it for them, and transmit the same, properly authenticated.

See above, under sec. iii., 1835, p. 476; 1831, p. 339.

Duty of a Presbytery to give Notice of an Offence.

Overture No. 6. From the Presbytery of Rock River, being a question of interpretation of the Book of Discipline, chap. v., sec. iv.

The Committee recommends the following answer:

When it is alleged that a minister has committed an offence in the bounds of a Presbytery of which he is not a member, the Presbytery in the bounds of which it is alleged the offence was committed, has performed its entire duty in the premises when it notifies the Presbytery to which he belongs of the allegation and the grounds on which the allegation is based.

The report was adopted.—1869, p. 922, O. S.

V. Process against a gospel minister shall not be commenced, unless some person or persons undertake to make out the charge; or unless common fame so loudly proclaims the scandal, that the Presbytery find it necessary, for the honor of religion, to investigate the charge.

An Action Based on Common Fame Sustained.—Informalities Waived by Act of the Accused.

Rev. Samuel Boyd appealed from the Synod of Wheeling sustaining the Presbytery of St. Clairsville. The Assembly appointed a commission to hear and report on the testimony. Against this Mr. Boyd remonstrated. The report of the commission was adopted as follows, viz.:

The main objection made by the appellant is that there were not written charges made against him as part of the process.

It appears from the testimony and records—

1. That Mr. Boyd was living separate from his wife on account of domestic difficulties; that this was brought to the notice of the St. Clairsville Presbytery by common fame; that Mr. Boyd by common fame was charged with unkindness and severity toward his wife; that he requested the Presbytery to take the case and investigate it, after an ineffectual attempt had been made by the Presbytery to settle the difficulty.

2. That witnesses were cited; that the trial was commenced by the Presbytery, Mr. Boyd being present; that the written charge on the records on which the trial proceeded was, "that common fame charges the Rev. Samuel Boyd with living in a state of separation from his wife;" that a number of witnesses were examined on the part of Mrs. Boyd, and in the presence of Mr. Boyd; that he cross-examined said witnesses; that Mr. Boyd also cited and examined a number of witnesses on his own behalf; that it nowhere appears on the records that he objected to proceeding without more formal charges.

The commission are, therefore, of the opinion that Mr. Boyd waived, by his own acts, and led the Presbytery to believe that he waived, all informalities in the proceedings antecedent to the trial.

The commission are also of the opinion that the record and the defence of Mr. Boyd show plainly what the charges were. They are also of the opinion that the testimony sustains fully the sentence of the Synod of Wheeling, which was unanimous.

The commission are, therefore, of the opinion that the appeal should be dismissed, and the decision of the Synod of Wheeling confirmed. This report is agreed upon unanimously by the commission.—1866, p. 74, O. S.

VI. As the success of the gospel greatly depends upon the exemplary character of its ministers, their soundness in the faith, and holy conversation; and as it is the duty of all Christians to be very cautious in taking up an ill report of any man, but especially of a min-

ister of the gospel: therefore, if any man knows a minister to be guilty of a private, censurable fault, he should warn him in private. But, if the guilty person persist in his fault, or it become public, he who knows it should apply to some other bishop of the Presbytery for his advice in the case.

1. The Character of One Absent and not on Trial not to be Impeached.

Resolved, That no discussion ought to be allowed which may involve the character of Mr. McDowell in his absence.—1823, p. 74.

See under vii., below.

VII. The prosecutor of a minister shall be previously warned, that, if he fail to prove the charges, he must himself be censured as a slanderer of the gospel ministry, in proportion to the malignancy, or rashness, that shall appear in the prosecution.

2. Failure to prove Charges involves Censure for Slander.

a. The unfinished business of Saturday, viz., an appeal by Mr. William L. McCalla from a decision of the Synod of Kentucky, in which decision the Synod declared, that Mr. McCalla had failed to prove certain charges which he had brought against the Rev. James Blythe, was resumed, and the appellant was heard till he declared himself satisfied. On motion,

Resolved, That the judgment of the Synod of Kentucky, with respect to the charges brought by Mr. William L. McCalla against the Rev. James Blythe, be and it hereby is affirmed.—1815, p. 596.

b. The complaint of J. W. Davidson, W. C. Koons and J. McElhinny, against the Synod of Baltimore.

This case originated in the Presbytery of Carlisle, as the result of the trial of a minister, by which the complainants were severely censured for presenting a certain paper containing allegations against the character of the said minister, which allegations, though not tabled as charges, were adjudged to be slanderous.

The parties censured complained to the Synod of Baltimore, and the complaint was "sustained in part," by a vote of 17 to 12.

The Synod, in its final minute, still inflict a modified censure, of which the said Davidson, Koons and McElhinny complained to the last General Assembly. This last complaint was laid over to this Assembly, to enable the complainants to correct an informality; which they have since done.

The Committee report the case in order, and recommend that it be taken up according to the directions of the Book of Discipline, as follows:

1. Read the judgment complained of.
2. Read the complaint.
3. Read the paper referred to in the judgment of the Synod, of which they complain.

The Committee recommend, that the only part of the record to be read in evidence be the paper originally read to the Presbytery of Carlisle, at Newville; and this may be waived by the parties agreeing; that the paper contains charges, which, if true, would be scandalous. This recommendation is based on the following reasons:

1. That it is found by the Synod, in their judgment, that the paper pre-

sented by complainants was so presented by them without their being prepared to table charges, or to appear as prosecutors, and that they refused to appear as accusers after having presented such a paper.

II. In the complaint presented to us, these findings of the Synod are admitted, in that the complainants allege (as the ground of their complaint in this regard) that the Synod decided that the paper presented at Newville by the complainants, was of such a character that it should not have been presented, unless the parties presenting it were prepared to table charges upon it; when, in fact, as they allege, it was but an offer to aid Presbytery in investigating the difficulty in the congregation of Big Spring, to which complainants belonged, and not as the ground of charges. Thus it will be seen that they not only admit such findings of the Synod, but distinctly allege another and different reason in justification of such presentation, viz., that it was but an offer to aid Presbytery, etc.

III. If it be claimed, on the second ground of appeal, that the testimony adduced on the original trial be read before the Assembly, then we say that it should not be read, for the following reasons:

1. The accused minister, after a trial (declared by the Synod to be fair and impartial) was acquitted by the Presbytery, and no appeal was taken from such judgment of acquittal; so that the same thereby long since became final and absolute, and this Assembly has no power to reverse this judgment of the Presbytery, for the purpose of relieving these complainants from the censure of the Synod; to do so would be to pronounce two conflicting and contrary judgments upon the same evidence.

2. Because it has been already adjudicated, in the case of William S. McDowell (Assembly's Digest, Rev. Ed., p. 159), that "no discussion ought to be allowed (involving the character of an absent person) in his absence," much more should this rule be applied to the exclusion of the remaining record, in this case, from its peculiar character, and all the circumstances attending it.

Resolved, That the judgment of the Synod of Baltimore be sustained *pro forma*, and that the following paper of E. Thompson Baird be admitted to record, viz.:

The undersigned, counsel appointed to manage the case of Davidson, Koons and McElhinny, *versus* the Synod of Baltimore, begs leave to submit, that through an oversight of the complainants in stating their causes of complaint on the one hand, and on account of the rulings of the Assembly as to technical points on the other hand, it is impossible for the case to come before this body on its merits. The complaint ought to have brought up the whole proceedings in the courts below, in order to a judgment on their regularity as well as justice; but by an omission of the complainants, in stating the grounds of their complaint, this matter cannot be reached. The second cause of complaint is ruled out, because it requires a cross issue, involving the rights of a party not involved in the case. And the first cause of complaint—*i. e.*, as to the rights of the complainants to place on the table of Presbytery the statement alluded to—cannot be justly investigated without taking up all the records and ascertaining all the circumstances which led to its presentation. Under the rulings of this house this cannot be done, since it would involve an absent party. We are thus on technical grounds shut out from a full presentation of the case. All that is left for us is to request the Assembly to admit this paper to record as our reason for waiving a trial, and agreeing that the judgment of the Synod of Baltimore be sustained *pro forma*.

E. T. BAIRD, *On behalf of Complainants.*

—1860, pp. 31 and 35, O. S.

3. Censure for Slander may be Reached only after Trial.

The Committee to whom was referred Judicial Case No. 7, being "a complaint of the Rev. John Crozier and the Rev. John Mack against the decision of the Synod of Illinois," report the following minute as the deliverance of the Assembly.

That the irregularities which the Synod made the ground of their decision, and of sustaining the complaint against the action of Presbytery, were not such as to invalidate the decision of Presbytery, except in resolution 6th, and that therefore the complaint be sustained, and the action of Presbytery be reaffirmed, except resolution 6th. As to the character and truthfulness of that resolution the Assembly expresses no opinion but that the action of Presbytery was thereon extra-judicial.

Our Book of Discipline, chap. v., sec. vii., pronounces a man a slanderer who fails on trial to make good his charges.

S. L. Hobson was censured as a slanderer without the court reaching by trial the point contemplated in our Book.—1867, p. 355, O. S.

VIII. When complaint is laid before the Presbytery, it must be reduced to writing; and nothing further is to be done at the first meeting, (unless by consent of parties,) than giving the minister a full copy of the charges, with the names of the witnesses annexed; and citing all parties, and their witnesses, to appear and be heard at the next meeting; which meeting shall not be sooner than ten days after such citation.

IX. When a member of a church judicatory is under process, it shall be discretionary with the judicatory, whether his privileges of deliberating and voting, as a member, in other matters, shall be suspended until the process is finally issued, or not.

1. Suspension from the Ministry during Process.

a. Overtured, that a Committee be sent to Rehoboth, with full power from the Synod to act in their names and by their authority, in the affair between Mr. Clement and that people; and that Mr. Clement be suspended from the exercise of his ministry, until the determination of that Committee. This overture was carried by a vote in the affirmative, *nemine contradicente.*—1720, p. 62.

b. The consideration of Mr. Alexander Miller's complaint resumed, and upon full inquiry the Synod conclude that, as the Presbytery of Hanover are not present, and it has not been made to appear before us that they were cited to be present, or informed that Mr. Alexander Miller intended to lodge a complaint against them before the Synod at this time, we cannot now enter upon the consideration of the merits of the complaint, but order both the Presbytery and Mr. Alexander Miller to attend our next Synod, prepared for a full hearing, and in the mean time, on account of Mr. Miller's unjustifiable delay for some years to enter his complaint before us, the irregularity of his proceedings during that time, and the atrocious nature of the crimes laid to his charge, we do hereby declare him suspended from the exercise of the ministerial office till his complaint can be fully heard.—1769, p. 396.

2. Suspension from Privileges of Membership.

a. That as citation on the foregoing plan is the commencement of a process involving the right of membership in the Assembly, therefore—

Resolved, That, agreeably to a principle laid down, chap. v., sec. ix., of the Form of Government, the members of said judicatories be excluded from a seat in the next Assembly until their case shall be decided.

Adopted by yeas 128, nays 122.—1837, p. 425.

See above, under iv., xviii.

b. The Assembly of 1866, O. S., excluded the commissioners from Louisville Presbytery from a seat until the Assembly should decide upon the conduct of their Presbytery.—1866, p. 12. See Form of Government, chap. xii., sec. v.

X. At the next meeting of the Presbytery, the charges shall be read to him, and he shall be called upon to say whether he is guilty or not. If he confess, and the matter be base and flagitious; such as drunkenness, uncleanness, or crimes of a higher nature, however penitent he may appear, to the satisfaction of all, the Presbytery must, without delay, suspend him from the exercise of his office, or depose him from the ministry; and, if the way be clear for the purpose, appoint him a due time to confess publicly before the congregation offended, and to profess his penitence.

XI. If a minister accused of atrocious crimes, being twice duly cited, shall refuse to attend the Presbytery, he shall be immediately suspended. And if, after another citation, he still refuse to attend, he shall be deposed as contumacious.

XII. If the minister, when he appears, will not confess, but denies the facts alleged against him; if, on hearing the witnesses, the charges appear important, and well supported, the Presbytery must, nevertheless, censure him; and admonish, suspend, or depose him, according to the nature of the offence.

XIII. Heresy and schism may be of such a nature as to infer deposition; but errors ought to be carefully considered; whether they strike at the vitals of religion, and are industriously spread; or, whether they arise from the weakness of the human understanding, and are not likely to do much injury.

XIV. A minister, under process for heresy, or schism, should be treated with Christian and brotherly tenderness. Frequent conferences ought to be held with him, and proper admonitions administered. For some more dangerous errors, however, suspension may become necessary.

[See case of Alexander Craighead, under chap. xii., sec. v., Form of Government.]

XV. If the Presbytery find, on trial, that the matter complained

of amounts to no more than such acts of infirmity as may be amended, and the people satisfied; so that little or nothing remains to hinder his usefulness, they shall take all prudent measures to remove the offence.

XVI. A minister deposed for scandalous conduct, shall not be restored, even on the deepest sorrow for his sin, until after some time of eminent and exemplary, humble and edifying conversation, to heal the wound made by his scandal. And he ought in no case to be restored, until it shall appear, that the sentiments of the religious public are strongly in his favor, and demand his restoration.

1. Restoration of a Deposed Minister—Caution Enjoined.

a. An extract from the records of the Presbytery of New York was laid before the Assembly and read. From this and the explanation given, it appeared that a certain Aaron C. Collins, formerly a member of that Presbytery, had been deposed by them from the office of the gospel ministry; that the crimes for which he was deposed were scandalous and highly aggravated; that his submission to the sentence of deposition had been only partial; he having exercised the functions of a gospel minister during a part of the time he lay under the sentence; that Mr. Collins had lately applied to that Presbytery to restore him to his office, and certain circumstances were stated as evidences of his penitence. The Presbytery therefore requested the advice of the General Assembly in the premises. And as the principal crime for which Mr. Collins had been deposed was committed within the limits of the General Association of Connecticut, which had formerly taken cognizance of the offence, the Presbytery requested the co-operation of the Assembly for bringing the case before the Association for their advice.

The Assembly having taken this subject into consideration, and obtained the necessary information,

Resolved, 1. That they cannot advise the Presbytery of New York to restore Mr. Collins under existing circumstances.

2. That this Assembly comply with the latter request made by the Presbytery of New York; they accordingly did, and hereby do enjoin it on their delegates to the next General Association, to take the necessary measures for bringing this subject before that body, for their advice.—1805, p. 335.

b. The General Association of Connecticut, having taken into consideration the case of Mr. Aaron C. Collins, who has been deposed from the office of the gospel ministry, on account of an aggravated sin, by which he has brought scandal on himself and the ministry, and having attended to documents and vouchers presented by the delegates from the General Assembly of the Presbyterian Church, were happy to hear the profession of penitence made by Mr. Collins, and the testimony by which it was accompanied to prove it sincere.

But as it appeared that he had only partially submitted to the sentence of deposition, and continued during part of the time he lay under censure to exercise the functions of a gospel minister, and that he had made no retraction for such disorderly conduct, therefore they agree with the General Assembly of the Presbyterian Church, that under existing circumstances, it would not be conducive to the interests of religion for the Presbytery of New York to restore Mr. Collins to the office of the gospel ministry.

Extracts from the doings of the General Association, at their annual session in Guildford, Connecticut, June 18, 1805.

CALVIN CHAPIN, } *Scribes of Association.*
SAMUEL GOODRICH, }

—1806, p. 349.

2. Presbytery other than that which Deposed, Authorized to Restore.

Petitions from the churches at Mount Pleasant and Greensburg, in New York, and from five ministers of the gospel residing in the vicinity of Mr. George Bourne, requesting that Mr. Bourne might be restored to the office of the gospel ministry, were overtured, and application on behalf of Mr. Bourne was made by Dr. Ely, that on the profession of his penitence he may be restored:—Whereupon it was

Resolved, That the case of Mr. George Bourne be referred to the Presbytery of New York, in whose bounds he now resides; and it is hereby ordered, that the Presbytery of New York be furnished by the Presbytery of Lexington, with all the documents relative to the position of Mr. Bourne; that they receive testimony as to the character and deportment of Mr. Bourne since his deposition, and also the evidences of repentance which Mr. Bourne may furnish. And it is ordered, moreover, that the said Presbytery of New York do proceed to issue the case, and either continue the sentence of deposition, or restore him, the said Bourne, to the gospel ministry, as they may judge proper.—1824, p. 124.

3. The Assembly Recommends Restoration, the End of Discipline being gained.

Resolved, That the prayer of the memorialist be granted so far as that this General Assembly recommend to the Presbytery of Fayetteville to reconsider their decision in the case of the Rev. Archibald McQueen; and if, in their judgment, it should appear conducive to the peace of the Church, and the promotion of religion in the region around them, to restore Mr. McQueen to the communion of the Church, and to the exercise of the functions of the gospel ministry, on the ground that in his case the ends of discipline are attained by the operation of the sentence under which Mr. McQueen has been lying for a period of three years.—1845, p. 32, O. S.

4. Deposition and Excommunication, Distinct Acts.

a. The records of the Synod of Geneva are approved, with the exception of a resolution, which declares that a deposed minister ought to be treated as an excommunicated person. In the judgment of this Assembly, the deposition and excommunication of a minister are distinct things, not necessarily connected with each other, but when connected, ought to be inflicted by the Presbytery, to whom the power of judging and censuring ministers properly belongs.—1814, p. 549.

b. Resolved, That though the causes which provoke deposition are almost always such as to involve the propriety of exclusion from the sacraments, yet the two sentences are not essentially the same, the one having reference to office, and the other to the rights of membership; and, therefore, Presbyteries should be explicit in stating both, when they mean both. When, however, a Presbytery interpret deposition to involve suspension from the sacraments, and pronounce the censure in that sense, the sentence obviously includes both.—1848, p. 34, O. S.

5. A Suspended Minister may not Exercise any Function of the Ministry.

1. That in the opinion of this Assembly, ministers of the Presbyterian Church when regularly *suspended* by the competent judicatories have no right to exercise the functions of a minister during that suspension.—1825, p. 156.

6. Does not Rank as a "Common Christian in Good Standing."

Mr. Foreman, being suspended from the ministry, ought by no means to be considered as occupying the ground of a "common Christian in good standing."—1821, p. 15.

7. The Names of Deposed Ministers in Certain Cases to be Published.

Resolved, That it be recommended to the Presbyteries under the care of the General Assembly, when they shall depose any of their members from the exercise of the ministerial office; and when any person so deposed shall, without having been regularly restored, assume the ministerial character, or attempt to exercise any of the ministerial functions, that in such case, with a view to prevent such deposed person from imposing himself on the churches, Presbyteries be careful to have his name published in the Assembly's magazine, as deposed from the ministry, that all the churches may be enabled to guard themselves against such dangerous impositions.—1806, p. 360.

XVII. As soon as a minister is deposed, his congregation shall be declared vacant.

CHAPTER VI.

OF WITNESSES.

I. JUDICATORIES ought to be very careful and impartial in receiving testimony. All persons are not competent as witnesses: and all who are competent are not credible.

II. A competent witness is one who ought to be admitted and heard. The competency of a witness may be affected by his want of the proper age; by a want of any of the senses essential to a knowledge of the matter which he is called to establish; by weakness of understanding; by infamy of character; by being under Church censure for falsehood or perjury; by nearness of relationship to any of the parties; and by a variety of considerations which cannot be specified in detail.

A Prosecutor on Common Fame is not Debarred from Testifying.

[Exceptions to Records of Synod of Philadelphia.] Page 18, Res. 2d, decides, That a prosecutor cannot be a witness in the same case; whereas a prosecutor in behalf of common fame is not excluded from bearing testimony, nor does our Book exclude any prosecutor from bearing testimony on either side of a case pending. MS. endorsement on Synod Book.—1858, p. 298, O. S.

III. Where there is room for doubt with regard to any of these points, either party has a right to challenge witnesses; and the judicatory shall candidly attend to the exceptions, and decide upon them.

IV. The credibility of a witness, or the degree of credit due to his testimony, may be affected by relationship to any of the parties; by deep interest in the result of the trial; by general rashness, indiscretion, or malignity of character; and by various other circumstances; to which judicatories shall carefully attend, and for which they shall make all proper allowance in their decision.

Both Husband and Wife may be Allowed to Testify where either is Interested.

The Assembly went into the consideration of the case reported by the Presbytery of Ohio, which was in the following terms: "A certain married woman charges an unmarried man with immodest conversation and conduct in attempts upon her chastity, of which her husband and another, or indifferent person, were at a certain time witnesses. Whereas our Constitution declares that a person accused shall not be convicted by a single witness, can the said woman and her husband be admitted witnesses in the above case?

To the above question the Assembly answered, that in all such cases as that submitted by the Presbytery of Ohio, it is a principle that both the husband and wife are to be admitted to give testimony. But in every particular case as it occurs, the judicature before whom it is tried, ought, in order to guard against collusion, to pay a very scrupulous regard to all the circumstances attending it, and especially to the characters of those who are admitted as evidences, so that on one hand the necessity of the case may be consulted, and on the other, that no injury may result to an innocent person.—1797, p. 128.

V. A husband or wife shall not be compelled to bear testimony against each other in any judicatory.

[See above, sec. iv.]

VI. The testimony of more than one witness is necessary in order to establish any charge; yet, if several credible witnesses bear testimony to different *similar* acts, belonging to the same general charge, the crime shall be considered as proved.

VII. No witness, afterward to be examined, except a member of

the judicatory, shall be present during the examination of another witness on the same case, unless by consent of parties.

VIII. To prevent confusion, witnesses shall be examined first by the party introducing them; then cross-examined by the opposite party; after which any member of the judicatory, or either party, may put additional interrogatories. But no question shall be put, or answered, except by permission of the moderator.

IX. The oath or affirmation to a witness, shall be administered by the moderator, in the following or like terms: "You solemnly promise, in the presence of the omniscient and heart-searching God, that you will declare the truth, the whole truth, and nothing but the truth, according to the best of your knowledge, in the matter in which you are called to witness, as you shall answer it to the great Judge of quick and dead."

1. The Authority for Administering a Judicial Oath.

The Committee appointed to draft an answer to the following question, overtured from the Presbytery of Georgia, viz.: "Whence do the General Assembly derive authority to empower the moderator of a church session to administer an oath?" reported the following, which was adopted, viz.: "An oath for confirmation, (saith the Apostle,) is to men, an end of all strife," Heb. vi. 16. It is a solemn affirmation, wherein we appeal to God, as the witness of the truth of what we say; and with an imprecation of his vengeance if what we affirm is false, or what we promise be not performed. Its force results from a belief that God will punish false swearing with more severity, than a simple lie, or breach of promise; because perjury is a sin of greater deliberation, and violates superior confidence.

That oaths are lawful is evident from the fact that our Lord, when interrogated on certain occasions, answered upon oath. See Matt. xxvi. 63, 64. Paul also uses several expressions which contain the nature of an oath. See Rom. i. 9, ix. 1; 1 Cor. xv. 31; 2 Cor. i. 18; Gal. i. 20. They are solemn appeals to God. It is manifest that oaths are not to be used on light or trivial occasions. We are expressly commanded not to take God's name in vain. But as the Bible does not point out the particular occasions when oaths are to be used; nor the persons who are to administer them, these circumstances are left to the discretion of individuals and communities. The necessity of oaths is founded in expediency; and all associations, whether civil or ecclesiastical, have a right to use them for confirmation, when, in the exercise of a sound discretion, they are deemed important. It is lawful for every community, in the compact on which their union is founded, to point out the cases in which oaths shall be used, and who shall administer them. The authority of moderators in the Presbyterian Church to administer oaths, is not derived from the General Assembly, but from the Constitution, or articles of compact, which our churches have adopted, and by which they have agreed to be governed as a Christian community. It may be proper also to add, that the oaths prescribed by ecclesiastical authority and administered by civil authority, in no respect interfere with our relations to civil society. Nor can the administering of them, if rightly viewed, be considered as a violation of those laws of the State, which prescribe the manner in which civil oaths shall be administered.—1823, p. 87.

2. Testimony should be under Oath, and Recorded.

Statements were given as evidence by the members of Presbytery, which are not recorded, and which do not appear to have been given under the usual solemnity of an oath. Craighead's case.—1824, p. 122.

X. Every question put to a witness shall, if required, be reduced to writing. When answered, it shall, together with the answer, be recorded, if deemed by either party of sufficient importance.

XI. The records of a judicatory, or any part of them, whether original or transcribed, if regularly authenticated by the moderator and clerk, or either of them, shall be deemed good and sufficient evidence in every other judicatory.

Testimony Attested by Moderator and Clerk Valid.

The following question, signed by William C. Davies—"Whether testimony taken before a session, and sent up to the Presbytery under the signature of moderator and clerk, will not be sufficient in references as well as appeals, to render the case thus referred both orderly and cognizable by Presbytery," was answered in the affirmative.—1797, p. 128.

XII. In like manner, testimony taken by one judicatory, and regularly certified, shall be received by every other judicatory, as no less valid than if it had been taken by themselves.

XIII. Cases may arise in which it is not convenient for a judicatory to have the whole, or perhaps, any part of the testimony in a particular cause, taken in their presence. In this case a commission of the judicatory, consisting of two or three members, may be appointed, and authorized to proceed to the place where the witness or witnesses reside, and take the testimony in question, which shall be considered as if taken in the presence of the judicatory: of which commission, and of the time and place of their meeting, due notice shall be given to the opposite party, that he may have an opportunity of attending. And if the accused shall desire on his part, to take testimony at a distance for his own exculpation, he shall give notice to the judicatory of the time and place when it is proposed to take it, that a commission, as in the former case, may be appointed for the purpose.

XIV. When the witnesses have all been examined, the accused and the prosecutor shall have the privilege of commenting on their testimony to any reasonable extent.

XV. A member of the judicatory may be called upon to bear testimony in a case which comes before it. He shall be qualified as other witnesses are; and after having given his testimony, he may immediately resume his seat as a member of the judicatory.

A Member of the Court Required to Testify on the Spot.

Resolved, That a member of a judicatory, present when the judicatory is taking testimony, is bound, if called upon to do so, to give his testimony in the case that is in process, and that his refusal to do so, on the ground that he had not been cited beforehand, would subject him to censure for contumacy.—1854, p. 45, O. S

XVI. A member of the church, summoned as a witness, and refusing to appear, or, having appeared, refusing to give testimony, may be censured for contumacy, according to the circumstances of the case.

A Minister Cited to Testify before a Session.

A request from certain ministers and ruling elders of the Synod of Alabama, for the opinion of the General Assembly touching certain questions that may arise in the case of a minister, who, when cited by a church session as a witness, declines to appear before that court. The Committee recommended that the brethren be referred to the Book of Discipline, chap. i., sec. v.; chap. iv., sec. x.; chap. v., secs. i. and ii.; chap. vi., sec. xvi., for answer to their questions. Adopted.—1854, p. 17, O. S.

XVII. The testimony given by witnesses must be faithfully recorded, and read to them, for their approbation, or subscription.

CHAPTER VII.

OF THE VARIOUS WAYS IN WHICH A CAUSE MAY BE CARRIED FROM A LOWER JUDICATORY TO A HIGHER.

I. In all governments conducted by men, wrong may be done, from ignorance, from prejudice, from malice, or from other causes. To prevent the continued existence of this wrong, is one great design of superior judicatories. And although there must be a last resort, beyond which there is no appeal; yet the security against permanent wrong will be as great as the nature of the case admits, when those who had no concern in the origin of the proceedings, are brought to review them, and to annul or confirm them, as they see cause; when a greater number of counselors are made to sanction the judgments, or to correct the errors of a smaller; and, finally, when the whole Church is called to sit in judgment on the acts of a part.

II. Every kind of decision which is formed in any church judicatory, except the highest, is subject to the review of a superior judicatory, and may be carried before it in one or the other of the four following ways:

1. The Assembly may not Reverse the Judicial Acts of a Predecessor.

a. This Assembly has no authority to reverse the judicial acts of a former General Assembly, except in cases of such palpable error as would manifestly tend to interfere with the substantial administration of justice. Case of S. Lowrey.—1824, p. 115.

b. This Assembly are of the opinion that the correct mode of proceeding for the last Assembly would have been to have suspended the decision on the appeal until the records of the inferior judicatories should have been present, because the rules in our Form of Government prescribe, that before a judgment is given all the proceedings of the inferior judicatories in the case should be read, and it is a sound maxim, generally admitted in courts of justice, that the best evidence the case admits of should be required, which in all trials is undoubtedly the record of the judicatory.

But while they entertain this opinion of the mode of proceeding, they believe that the decision of the last General Assembly was substantially correct, and was not different from what it would have been if they had had all the proceedings of the inferior judicatories before them.—*Ib.*

See under chap. vii., sec. iii., sub-sec. viii.

c. The Assembly not Competent to Revise the Judicial Acts of a Previous Assembly.

Judicial Case No. 4. A memorial of the pastor and ruling elders of the church of Bloomington, Illinois, in respect to the decision of the last Assembly upon the appeal of Dr. T. F. Worrell.

The Committee recommend that this memorial be dismissed, on the ground that it is not competent for this Assembly to revise the proceedings of a previous Assembly in a judicial case.

The recommendation was adopted.—1864, p. 313, O. S.

2. But will Correct Error when Shown to Exist.

In the case of the memorial of the Synod of Onondaga, see Minutes, 1864, p. 474, N. S., it was determined *inter alia* as follows:

2. In view of the whole case, your Committee further find, that the last Assembly seem to have acted without such a knowledge of all the facts of the case, as a regular presentation of the complaint and the records would have given them; and that, therefore, the case is one which justifies the action of this Assembly in relief of the Synod.

3. Your Committee further find, that the action of the Synod was scrupulously conformed to the requirements of our Book.

They had the right to send the case back to the Presbytery, or to review the whole of it, according to their discretion. It is not for this court to decide which would have been the wiser course. The Synod judge it best to review the whole case, and their discretion is not a matter of review by this body.

Your Committee, therefore, recommend:

That the requisition of the last Assembly on the Synod of Onondaga be rescinded, and that the case be dismissed.

While the Committee come to this conclusion, they feel constrained also to express decidedly their disapproval of the language of the Synod, pronouncing the action of the Assembly "unjust and unconstitutional."

The report was adopted.—1864, p. 475, N. S.

3. The Assembly will Adhere to the Letter of Section ii., above.

The Judicial Committee reported that they have had under considera tion the letter of the Rev. A. G. Fraser to this General Assembly. That Mr. Fraser states that he has been unavoidably prevented from personally prosecuting an appeal from the decision of the Synod of New Jersey, of which due notice was given that Synod, and requesting the General Assembly to appoint a Committee of ministers and elders to hear and adjudicate the whole matter; or, if such a plan is not within the jurisdiction of the General Assembly, that then this matter of appeal stand over to their next stated meeting. The Committee recommended that the following answer be given, viz.: According to the Book of Discipline of our Church, there are but four ways in which the General Assembly can have cognizance of a judicial case. As neither of these ways is contemplated in the request of Mr. Fraser, the Assembly cannot, without a violation of constitutional rules, take any action in the premises. In regard to a future prosecution of his appeal, the appellant must present his case, with the reasons for previous failure, before the next General Assembly, whose province it will then be to decide upon the whole subject.

The recommendation was adopted.—1850, p. 463, O. S.

See under Form of Government, chap. xii., sec. v.

SECTION I.

GENERAL REVIEW AND CONTROL.

I. It is the duty of every judicatory above a church session, at least once a year, to review the records of the proceedings of the judicatory next below. And if any lower judicatory shall omit to send up its records for this purpose, the higher may issue an order to produce them, either immediately, or at a particular time, as circumstances may require.

1. Annual Review Required.

Ordered, That the minutes of the respective Synods be laid yearly before the General Assembly to be by them revised.—1789, p. 7.

b. Whereas, It appeared in the course of the free conversation on the state of religion, that in one of the Presbyteries under the care of the General Assembly, the sessional records of the several church sessions were not regularly called up and examined every year by the said Presbytery, and there is reason to believe that other Presbyteries had conducted in the same manner; therefore,

Resolved, That it be and it hereby is required of all the Presbyteries within the bounds of the General Assembly annually to call up and examine the sessional records of the several churches under their care, as directed in the Book of Discipline.—1809, p. 429.

c. The Assembly, after seriously reviewing the order of the last Assembly, and maturely deliberating on the remonstrance of the Presbytery of Philadelphia against it, can by no means rescind the said order, inasmuch as they consider it as founded on the Constitution of our Church, and as properly resulting from the obligation on the highest judicatory of the Church to see that the Constitution be duly regarded; yet, as it is alleged, that insisting on the rigid execution of this order, with respect to some

of the church sessions, would not be for edification, the Assembly are by no means disposed to urge any Presbytery to proceed, under this order, beyond what they may consider prudent and useful.—1810, p. 453.

d. Whereas, It is an essential feature of the government of the Presbyterian Church that the records of all its Synods should be transmitted annually to its highest court—the General Assembly—for examination; and

Whereas, this Assembly has painful evidence that this important regulation is, by some of its Synods frequently, and by others entirely neglected; therefore,

Resolved, That all our Synods be enjoined to take such order on this subject as shall ensure hereafter a faithful observance of the above regulation, and in all cases where the stated clerks of any of our Synods have failed this year, or may hereafter fail to obey their order of the rule of the Assembly respecting this matter, such Synods are hereby required to judge of the reasons which such clerks may offer for their delinquency, and to excuse or censure them according to the circumstances of the case.—1839, p. 165, O. S.

e. The Committee on the Records of the Synod of Wisconsin reported, That they had been subjected to an increased amount of labor in examining the minutes of this Synod in consequence of the failure of the stated clerk to send up the records annually to the Assembly as our rules require. The minutes of this body have not been brought under the inspection of the Assembly since May, 1860, leaving an accumulation of four years of unexamined and unapproved records.—1864, p. 482, N. S., *et passim.*

See above, Form of Government, chap. x., sec. ix., and chap. xi., sec. vi.; also Discipline, chap. iv., sec. xxiii.

2. After Records have been Approved Corrections can be made only by Recurrence to the Court Approving.

a. Also Overture No. 7, from the session of the church of Wabash, Indiana, on the following questions:

1. After the records of a church session have been examined and approved by the Presbytery, and those of the Presbytery, in like manner, approved by the Synod, has either the session or the Presbytery a right or any authority to change or erase the record?

2. If not, has the session any legal right to make a second record declaring the first erroneous and void?

The Committee recommended that the following answer be given:

A record, once approved by a higher court, cannot be altered or annulled by a lower one. If there be an error in the record, the remedy is to be sought by an application to the highest judicatory which has endorsed such mistake. Adopted.—1862, p. 34, N. S.

b. When Records have been Approved, they can be Amended only by a Unanimous Vote.

It was moved to strike out the exceptions taken to the records of the Synod of New Jersey. The moderator suggested that the motion was out of order, but he would put it to the house; which having been done the motion was sustained with the exception of one *no*. The moderator then declared the motion lost, as a minute recording a fact could not be amended but by a unanimous vote of the house.

An appeal was taken from this decision, and the decision was sustained.—1841, p. 424, O. S.

3. Records of Recent Meetings may be Demanded for Review.

The records of the Synod of Cincinnati approved, except "that on pp. 114–116, it appears that on a motion to require the Presbytery of Chillicothe to produce the records of their session in Sept., 1837 (the month before), which records were reported to contain decisions demanding the immediate review of the Synod, it was decided that, as there was no complaint, nor appeal requiring the records in question, and as the Presbytery have regularly presented their book for review by the Synod, and the Committee of Review have made no charge of delinquency in the Presbytery in not transcribing the minutes of their late meeting, the Synod have no right to demand said minutes."—1839, p. 161, O. S.

4. Copies of the Originals Accepted only in Extraordinary Cases.

a. It is recommended to the Synods of Virginia and the Carolinas, to send attested copies of their minutes by their delegates to the Assembly yearly, whenever they find it inconvenient to send their books.—1790, p. 23.

b. Resolved, That the dispensation allowed to the Synods of Virginia and the Carolinas by the Assembly of 1790, to send up attested copies of their records instead of the records, be and it is hereby rescinded.—1841, p. 423, O. S.

c. The Committee on the Records of the Synod of West Tennessee reported, and their report was adopted, and is as follows, viz.: "That the document presented to your Committee is not the original book of records, but purports to be a true copy from the original record under the hand of the stated clerk. Accompanying this report is a letter from the clerk, urging the acceptance of the transcript, on the ground of a standing rule of the Assembly, authorizing the reception of a transcript when the original cannot be transmitted. Your Committee are not aware of such a standing rule, and are of opinion that the document produced does not come up to the requirement of the Constitution. Your Committee therefore *cannot* report as to the *manner* in which the records are kept. Your Committee recommend that the Synod of West Tennessee be required to produce their original book of records for examination at the next General Assembly."—1847, p. 381, O. S.

[The records of the Synod of China, kept in Chinese, were accepted in a translated copy by the Assembly of 1871.]

5. Members of a Judicatory may not Vote upon Review of their own Records.

a. A protest signed by a number of members of the Synod of Geneva, against a decision of that Synod, excluding the Presbytery of Geneva from voting on the question, Whether their own records should be attested by the moderator of the Synod, as approved. Your Committee were, however, of opinion that the decision of the Synod was consonant to the prevalent usage of the judicatories of the Presbyterian Church, as well as to the usage of other analogous bodies in similar cases, and that it ought therefore to be approved. [Adopted.]—1816, p. 611.

b. The records of the Synod of Kentucky approved, except "that the members of the West Lexington Presbytery voted in approbation of their own proceedings, which is deemed to be irregular."—1821, p. 23.

[See also under vii., iii., xii., iv.]

II. In reviewing the records of an inferior judicatory, it is proper

to examine, First, Whether the proceedings have been constitutional and regular; Secondly, Whether they have been wise, equitable, and for the edification of the Church; Thirdly, Whether they have been correctly recorded.

[See under vii., i., vi., below.—1857, p. 45, O. S. Also under iii., below, for specimens of the application of this rule.]

1. Unconstitutional and Irregular.

a. The Synod of Philadelphia, resolution 3d, annuls a sentence of suspension; and in resolution 4th, substantially acknowledges the justice of the sentence thus annulled.

The Synod interposes to restore a man to the exercise of the ministry of the gospel, who they acknowledge has frequently made representations without due regard to truth and candor; therefore,

Resolved, That the Assembly direct the Synod to review and amend their record on p. 18, in the case of the appeal of the Presbytery of Donegal. Discipline, chap. vii., sec. i., sub-secs. ii., iii.

[MSS. indorsement on records of Synod of Philadelphia.]—1858, p. 298.

b. The Committee appointed to examine the records of the Synod of Geneva, reported, and the book was approved to page 257, with the following exception, viz.: That the Synod decided improperly, in saying that the complaint of D. C. Hopkins was not strictly sustained, while they at the same time say, that each and every act of the Presbytery of Onondaga complained of, was irregular and improper.—1822, p. 40.

c. A Synod may not Institute and Prosecute Judicial Proceedings.

That the proceedings of the Synod of Cincinnati, in the institution and prosecution of judicial process against William Graham, subjecting him first to censure, and afterward to suspension, under which he now labors, are unconstitutional and irregular, therefore null and void; and that the Synod be, and is hereby enjoined to take constitutional action in the case, and to revise and correct its proceedings accordingly. While the Assembly thus speak on the constitutionality of the matter, they do it without reference to the error or truth of the sentiments he advanced.—1846, p. 31, N. S.

III. In most cases, the superior judicatory may be considered as fulfilling its duty, by simply recording, on its own minutes, the animadversion, or censure, which it may think proper to pass on records under review; and, also, by making an entry of the same in the book reviewed. But it may be, that, in the course of review, cases of irregular proceedings may be found, so disreputable and injurious as to demand the interference of the superior judicatory. In cases of this kind, the inferior judicatory may be required to review and correct its proceedings.

1. The Records must be Full.—Reasons for Decisions Required.

a. The records of the Synod of Pittsburg approved, "excepting the resolution on p. 74, disapproving the proceedings of a Presbytery without assigning the reason."—1820, p. 728.

b. The records of the Synod of Ohio were approved, with the "excep-

tion of a minute on p. 243, disapproving of a decision of a Presbytery, and ordering said Presbytery to reconsider that decision, without any reasons being assigned."—1827, p. 202.

And Satisfactory Reasons given for all Decisions.

c. The Synod of Pennsylvania in approving the action of a Presbytery in a judicial case, p. 259, assigned an entirely unsatisfactory reason.—1850, p. 314, N. S.

The Subject Matter of Process must be Stated.

d. The records of the Synod of Philadelphia approved, except that it appears from p. 282 that an appeal and complaint was issued in the usual form, without any intimation of what the sentence or proceeding was, against which the complaint was made.

That it appears from p. 273 that another complaint was issued without any record of the proceeding complained of, or the body whose proceeding was the subject of complaint.—1852, p. 216, O. S.

e. Records of the Synod of Albany approved, "except that on page 257 we read of 'a complaint of the Minority of the Presbytery of Albany' to the Synod; but there is no intimation what they complained of; and when Synod took up the business, there is no evidence on record that the moderator gave notice that they were about to proceed to judicial business, as the Constitution requires."—1848, p. 48, O. S. See 1853, p. 434, O. S.

2. Exceptions must be Recorded in the Minutes.

a. The records of the Synod of Indiana approved, "except that on p. 342, the records of Greencastle Presbytery, are reported as approved, with exceptions, while these exceptions are not spread on the minutes of the Synod as required by the Book of Discipline, chap. vii., sec. i., art. iii."—1857, p. 387, N. S.

b. Synod of Wheeling, p. 409. The exceptions to the records of New Lisbon Presbytery are not recorded, in violation of the Book of Discipline, chap. vii., sec. i., sub-sec. 3.—1859, p. 550, O. S.

c. Exception to the records of the Synod of Onondaga. "On p. 186 we find the Synod administering censure to the Presbytery of Cayuga, for an act of discipline toward one of its churches, on the ground that the *reasons* for such discipline were not given according to the requirements of our Book of Discipline, yet on the next page we find the said Synod reaffirming the acts of a church censured by its Presbytery, and reversing the decision of the Presbytery, without giving the required reasons for such a singular proceeding."—1863, p. 277, N. S.

d. Records of the Synod of Cincinnati, "except that on pp. 6 and 13 a complaint was received, referred and decided, without any statement in regard to the character of said complaint."—1865, p. 553, O. S.

e. Records of Synod of Cincinnati, approved, "except that on p. 36 the minute is defective, in that a complaint was received, referred and decided without any statement in regard to the subject matter of said complaint."

This defect in the minutes disables this Assembly from deciding as to the validity of the recorded reasons given for the decision of the Synod in the case on p. 37.

This defect in the minutes is the more to be excepted against, inasmuch as it records the implied censure of the complainant, while the Assembly is deprived of the opportunity to pass upon the case.—1866, p. 50, O. S.

3. The Lower Courts must Respect the Decisions of the Superior.

a. The records of the Synod of Missouri were approved, except a resolution on page 324, viz., "That the action of the General Assembly in May last, in relation to the political condition of the country, was unscriptural, unconstitutional, unwise, and unjust; and we therefore solemnly protest against it, and declare it of no binding force whatever upon this Synod, or upon the members of the Presbyterian Church within our bounds."—1862, p. 631, O. S.

b. The records of the Synod of Kentucky were approved with the following exception:

That this General Assembly cannot approve the Synod's disapproval of the action of the Assembly of 1861, as recorded in the Synod's minutes on pages 49 and 50.—1862, p. 631, O. S.

4. A Synod Reproved for Failure to make a Deliverance.

The Committee on the Records of the Synod of Kentucky presented a report, which was amended and adopted, and is as follows:

The Committee recommend that the records be approved with the following exceptions: 1st. The action of Synod on page 144, taking exceptions to the action of the last General Assembly on slavery. 2d. That the Synod has wholly failed to make any deliverance during the past year calculated to sustain and encourage our government in its efforts to suppress a most extensive, wanton, and wicked rebellion, aiming at nothing short of the life of the nation.—1865, p. 541, O. S.

5. Censured for Insubordination.

a. Resolved, That this Assembly does not approve the records of the Synod of Missouri; that so much of said records as attempt to declare null and void the previous action of the Synod, which had been formally approved by the Assembly, is an act of insubordination, which said Synod is hereby required to reconsider and reverse; that they report to the next Assembly what they have done or failed to do in the premises, and until that time the usual certificate of the moderator be withheld.*

The remaining portion of the report was then adopted as follows:

On page 365, where the Synod reaffirm their testimony of November, 1861, with regard to the action of the Assembly of the same year, known as the Spring Resolutions—which testimony declares the action of that Assembly on the state of the country to be "unscriptural, unconstitutional, unwise, and unjust; of no binding force whatever on this Synod, or upon the members of the Presbyterian Church within our bounds."

The Committee also recommend that, besides excepting to the record as above stated, the repeated exhibition of such a rebellious spirit, on the part of any inferior court toward the supreme judicatory of the Church, should not pass without censure.—1866, p. 97, O. S.

b. The Synod of Albany claim and exercise the right of disregarding the exceptions to their records by the General Assembly of 1847, which they consider disrespectful and disorderly.—1848, p. 48, O. S. Also 1824, p. 116.

c. Finally, the Assembly cannot but express their disapprobation of the concluding paragraph of the memorial of the Synod of Ohio, in which they

* The next year, the Synod having complied with the requirements of the Assembly, as appeared from an official transcript of its records on the subject read to the Assembly, the moderator was directed to approve the records of the Synod of Missouri of last year.—1867, p. 316, O. S.

say, "the Synod consider the judgments entered upon their records against Samuel Lowrey in October, 1822, as remaining in full force," etc.

This declaration, notwithstanding the respectful expressions of the Synod, is apparently wanting in the respect due from an inferior to a superior judicatory; and is repugnant to the radical principles of the government of the Presbyterian Church. If an inferior court has authority to declare that its own decisions are in force, after they have been reversed by a superior court, then all appeals are nugatory, and our system, as it relates to judicial proceedings, is utterly subverted. The Assembly are willing to believe, however, that the Synod of Ohio did not mean to set themselves in opposition to the highest judicatory of the Church, and that when they have reconsidered the matter, they will rescind what is so manifestly inconsistent with the principles of the Constitution, which they have bound themselves to support.—1824, p. 116.

[For illustrations of the exercise of the power of review and control see Form of Government, chap. xi., sec. i., 1, *a*, *b;* sec. ii., 1, *a*, *b*, *c;* 6, *a*, *b;* sec. iv., 2, 3; secs. v. and vi., *passim.*]

IV. No judicial decision, however, of a judicatory, shall be reversed, unless it be regularly brought up by appeal or complaint.

a. [In a case where the organization of a Presbytery was irregular, see above, Form of Government, chap. x., sec. ii. The Assembly *inter alia* declare—]

The Book of Discipline, however, prescribes, chap. vii., sec. i., sub-sec. iv., that "no judicial decision of a judicatory shall be reversed, unless it be regularly brought up by appeal or complaint."

The trial of a minister under the circumstances proposed in the overture must be regarded as any other trial where there has been informality or irregularity in the citation or other preliminary stages of the process. The trial, with the judgment based upon it, must be respected until the Synod, as the superior judicatory, shall judge how far the irregularity vitiates the proceedings and defeats the ends of justice, and shall annul or confirm the same.—1861, p. 457, N. S.

b. The Synod likewise seems to have erred in censuring as they did the Committee of the Miami Presbytery, and in acting inconsistent with Constitutional Rules, chap. vii., sec. i., sub-secs. ii. and iv., by virtually reversing a judicial decision, and this without citing the Presbytery to appear and answer, on the mere review of their records.—1857, p. 45, O. S.

V. Judicatories may sometimes entirely neglect to perform their duty; by which neglect, heretical opinions, or corrupt practices, may be allowed to gain ground; or offenders of a very gross character may be suffered to escape: or some circumstances in their proceedings, of very great irregularity, may not be distinctly recorded by them. In any of which cases, their records will by no means exhibit to the superior judicatory a full view of their proceedings. If, therefore, the superior judicatory be well advised by *common fame*, that such neglects or irregularities have occurred on the part of the inferior judicatory, it is incumbent on them to take cognizance of the same; and to examine, deliberate, and judge in the whole matter, as

completely as if it had been recorded, and thus brought up by the review of the records.

[See Form of Government, chap. xii., sec. v.]

VI. When any important delinquency, or grossly unconstitutional proceedings, appear in the records of any judicatory, or are charged against them by *common fame*, the first step to be taken by the judicatory next above, is to cite the judicatory alleged to have offended, to appear at a specified time and place, and to show what it has done, or failed to do, in the case in question: after which, the judicatory thus issuing the citation, shall remit the whole matter to the delinquent judicatory, with a direction to take it up, and dispose of it in a constitutional manner, or stay all further proceedings in the case, as circumstances may require.

[See Form of Government, chap. xii., sec. v.]

1. Citation of Judicatories on Review or on Common Fame.

a. 1. *Resolved*, That the proper steps be now taken to cite to the bar of the next Assembly, such inferior judicatories as are charged by common fame with irregularities.

2. That a Special Committee be now appointed to ascertain what judicatories are thus charged by common fame; prepare charges and specifications against them; and to digest a suitable plan of procedure in the matter; and that said Committee be requested to report as soon as practicable.

3. That, as citation on the foregoing plan is the commencement of a process involving the right of membership in the Assembly; therefore,

Resolved, That agreeably to a principle laid down chap. v., sec. ix., of the Form of Government, the members of said judicatories be excluded from a seat in the next Assembly, until their case shall be decided.—1837, p. 425.

[After the passage of the acts declaring the Synods of Western Reserve, Utica, Geneva and Genesee to be no longer integral parts of the Presbyterian Church in the United States, the following was adopted, viz.:]

b. Dr. Cuyler, from the Committee appointed to consider and report to the Assembly on the subject of citing inferior judicatories, presented a report, which was amended and adopted, and is as follows, viz.:

The Committee believe, that, for the present, there is no urgent necessity to cite any inferior judicatories; and after what has been done toward the reform of the Church during the present sessions of the General Assembly, they believe it will be best to wait for a time, without further decisive action, in the hope that those portions of the Church against which serious charges are still made by common fame, will see the necessity of taking order on the subject, and doing, without delay, what truth and righteousness may require of them.

We deem it proper, however, to say, that several of the Synods are so seriously charged, in several respects, that this Assembly would be wanting in faithfulness to itself, to them, and to the cause of Christ, as well as to the principles of justice and fair dealing, in carrying out its own principles, if it did not specially urge several of them to give prompt and par-

ticular attention to certain matters, in which they, or some of their Presbyteries or churches, are specially charged. We, therefore, recommend the adoption of the following resolutions, viz.:

1. *Resolved*, That the Synods of Albany and New Jersey be enjoined to take special order in regard to the subject of irregularities in church order, charged by common fame upon some of their Presbyteries and churches.

2. That the Synod of Michigan be enjoined to take special order in regard to the subject of errors in doctrine, so charged upon all its Presbyteries.

3. That the Synod of Cincinnati be enjoined to take special order in regard to error in doctrine, so charged as being connived at by several of its Presbyteries, and held by some of its members.

4. That the Synod of Illinois be enjoined to take special order in regard to errors in church order and errors in doctrine, so charged upon several of its Presbyteries.

5. That besides the general reference to the word of God and our standards, we refer the Synods above named to the testimony of this General Assembly, as to the nature of the errors and irregularities intended by it, in these resolutions. And said Synods are enjoined to take order on the subjects now referred to them for consideration and action, at their first stated meeting after this Assembly adjourns; and to report their doings herein, with whatever else seems to them necessary to elucidate the whole subject, in writing, to the next General Assembly.

6. And the said five Synods are especially enjoined, and all other Synods in our bounds are required, to cause to be laid before the next General Assembly, as far as possible, copies of all the abbreviated creeds and church covenants in use among their churches; which subject is also particularly commended to all our Presbyteries, both in relation to the present demand, and with reference to the testimony of this Assembly on that subject.—1837, p. 496.

SECTION II.

OF REFERENCES.

I. A reference is a judicial representation, made by an inferior judicatory to a superior, of a case not yet decided; which representation ought always to be in writing.

[The language of this section strictly interpreted would seem to limit the subject-matter of reference to judicial cases, and the parties referring to inferior judicatories. The usage of the Assembly, however, has been uniform, to receive, under the general head of "Overtures," memorials, questions and petitions from all sorts of sources and upon all manner of questions.]

1. The Right to Petition and to Memorialize the Assembly Affirmed.

a. We, the undersigned, members of Assembly, respectfully enter our protest against the action of the General Assembly in postponing indefinitely the resolution offered by Dr. Neill, in favor of the right of petition by our Presbyteries and Synods; because,

1st. No opportunity was offered to any member to express his views on the subject previously to the vote; thus the Assembly was hurried into a

decision, without opportunity to consider the great injuries done by thus virtually denying this sacred right.

2d. Because the spirit of our free Form of Government is thus violated, inasmuch as it secures to the lower judicatories the right of being heard on all moral and religious subjects, when they present their views in a regular and constitutional manner.

To this the Assembly reply:

The protest imputes to this Assembly a principle which it never adopted, viz., the denial of the right of petition. The true reason of the indefinite postponement of Dr. Neill's paper was, that as no one doubted the right of petition, a further consideration of the subject would consume time by useless debate and legislation. The Committee regard this statement as a sufficient answer to the protest in question.—1841, p. 449, O. S.

b. The Committee to whom was referred the protest of W. Bushnell and others in relation to the action of the Assembly on certain petitions respecting the abolition of slavery reported, recommending the adoption of the following minute:

The General Assembly recognizing the right of inferior judicatories, and private members, *upon their own responsibility*, to memorialize this body on any subject which they may regard as connected with the interests of the Church, and finding no fault with the language of the protest, admit it to record without further notice.—1844, p. 376, O. S.

2. One who does not Submit is Debarred the Right.

The Committee to which was referred the petition of Mr. Bourne reported, and their report being read was accepted. Whereupon it was resolved, that as it appears to be a fact that Mr. Bourne has not submitted to the judgment of the Assembly in affirming a decision by which he was deposed from the gospel ministry, he be permitted to withdraw his petition.—1823, p. 93.

II. Cases which are new, important, difficult, of peculiar delicacy, the decision of which may establish principles or precedents of extensive influence, on which the sentiments of the inferior judicatory are greatly divided, or on which, for any reason, it is highly desirable that a larger body should first decide, are proper subjects of reference.

a. The Synod of the Carolinas referred to the Assembly the case of Rev. Hezekiah Balch, charged with error in doctrine.—1798, p. 151.

b. The Presbytery of Philadelphia on the propriety of their ordaining to the work of the gospel ministry a licentiate under their care who now holds the office of a chaplain in the navy of the United States. See Form of Government, chap. xv., sec. xv.—1826, p. 171.

c. The Presbytery of Cayuga relative to the constitutionality of a rule of that body. See Form of Government, chap. x., sec. viii.—1830, p. 284.

d. The Synod of Philadelphia in relation to the right of Presbyteries to require every minister or licentiate, coming to them by certificate from another Presbytery or other ecclesiastical body, to submit to an examination before he be received.—1832, p. 355.

e. Overture No. 4, viz.: A reference from the Presbytery of West Tennessee, requesting an answer to the two following questions, viz.: "1. What are the nature and duties of the office of *deacons?* 2. What is the scriptural and appropriate mode of ordination?" was taken up, and after some

discussion, committed to Mr. Beach, Mr. Vail and Mr. Hoyt.—1833, p. 393.

f. The Committee to whom was referred Overture No. 2 made a report, which was read and adopted, and is as follows, viz.:

The Committee appointed to consider and report on Overture No. 2, which is in the following words: "Is it lawful and consistent with the order of our Church for a church court to reconsider and set aside its own decision in a case of discipline, after a lapse of five or six years from the time the decision was made, after the court has so changed, that many of its members were not members at the time of the decision, and when no new testimony is proposed?" beg leave to report that, in their opinion, the proper answer to this overture will be found included in the following principles, viz.:

1. Our Book of Discipline, chap. ix., sec. i., provides, that if after a trial before any judicatory, new testimony be discovered, which is supposed to be highly important to the exculpation of the accused, it is proper for him to ask, and for the judicatory to grant, a new trial.

2. It is very conceivable that after the lapse of five or six years the sentence of an ecclesiastical court, which was originally considered as just and wise, although no new testimony, strictly speaking, has appeared, may in the view of the church appear under an aspect equivalent to new testimony, and calling for reconsideration; yet,

3. Inasmuch as the frequent reconsideration of cases adjudged by the inferior judicatories, without the appearance of new testimony, admits of great and mischievous abuse, and might lead to an endless recurrence of reviews and reversals of former decisions, in the absence of a majority of the court pronouncing the same; it is evidently more regular, safe and for edification, when a review of a decision, without the disclosure of new testimony, is thought desirable, to refer the case to the next higher judicatory.—1833, p. 405.

III. References are either for mere advice, preparatory to a decision by the inferior judicatory; or for ultimate trial and decision by the superior.

a. A reference from the Presbytery of Chenango asking advice in the case of Rev. Edward Andrews, a member of that body, who has recently withdrawn and received episcopal ordination, was taken up. See Form of Government, chap. x., sec. viii.—1828, p. 239.

See also 1832, p. 363.

b. The permanent clerk announced to the Assembly that there had been put into his hands a reference from the Presbytery of Philadelphia of the whole case of the Rev. Albert Barnes before that body. This case was referred to the Judicial Committee.—1831, p. 321.

IV. In the former case, the reference only suspends the decision of the judicatory from which it comes: in the latter case, it totally relinquishes the decision, and submits the whole cause to the final judgment of the superior judicatory.

[Against the reference above, iii., a complaint was entered, as also a complaint against the action of the Presbytery in the case. After the whole proceedings of the Presbytery had been read, and the sermon entitled "*The Way of Salvation*,"] the parties then agreed to submit the case to the Assembly without argument, when it was resolved to refer the

whole case to a select Committee. Dr. Miller, Dr. Matthews, Dr. Lansing, Dr. Fisk, Dr. Spring, Dr. J. McDowell, Mr. Bacon, Mr. Ross, Mr. E. White, Mr. Jessup and Mr. Napier were appointed this Committee.—1831, p. 325.

Subsequently, the Committee to whom was referred the whole case in relation to the Rev. Albert Barnes, made a report, which being read was adopted, and is as follows, viz.:

That after bestowing upon the case the most deliberate and serious consideration, the Committee are of the opinion that it is neither necessary, nor for edification, to go into the discussion of all the various and minute details which are comprehended in the documents relating to this case. For the purpose, however, of bringing the matter in controversy, as far as possible, to a regular and satisfactory issue, they would recommend to the Assembly the adoption of the following resolutions, viz.:

Resolved, 1. That the General Assembly, while it appreciates the conscientious zeal for the purity of the Church, by which the Presbytery of Philadelphia is believed to have been actuated in its proceedings in the case of Mr. Barnes; and while it judges that the sermon by Mr. Barnes, entitled "The Way of Salvation," contains a number of unguarded and objectionable passages, yet is of opinion that, especially after the explanations which were given by him of those passages, the Presbytery ought to have suffered the whole to pass without further notice.

Resolved, 2. That in the judgment of this Assembly, the Presbytery of Philadelphia ought to suspend all further proceedings in the case of Mr. Barnes.

Resolved, 3. That it will be expedient, as soon as the regular steps can be taken, to divide the Presbytery in such way as will be best calculated to promote the peace of the ministers and churches belonging to the Presbytery.

With respect to the abstract points proposed to the Assembly for their decision in the Reference of the Presbytery, the Committee are of the opinion that if they be answered they had better be discussed and decided *in thesi* separate from the case of Mr. Barnes.

The Judicial Committee reported that the other complaints and the reference in relation to the case of Mr. Barnes, they considered as merged in the report just adopted. This report was accepted.

The Assembly having finished the business in relation to Mr. Barnes, united in special prayer, returning thanks to God for the harmonious result to which they have come; and imploring the blessing of God on their decision.—1831, p. 329.

V. Although reference may in some cases, as before stated, be highly proper; yet it is, generally speaking, more conducive to the public good, that each judicatory should fulfill its duty by exercising its judgment.

VI. Although a reference ought, generally, to procure advice from the superior judicatory; yet that judicatory is not necessarily bound to give a final judgment in the case, even if requested to do so; but may remit the whole cause, either with or without advice, back to the judicatory by which it was referred.

[See under viii., below.

The Committee appointed to draw a minute on the subject of the

memorial from the session of the First Church in Genoa, reported the following, which was adopted, viz.:

Resolved, That the church of Genoa be referred to the minute of the Assembly formed in the case of David Price, in the year 1825; from which it will appear, that in the judgment of the Assembly, "an admonition" was "deserved" by the said Price, in consequence of his unchristian conduct. And it is the judgment of this Assembly, that the session ought immediately to have administered such admonition; that they ought still to administer it; and that if the said Price refuse to submit to such admonition, or do not thereupon manifest repentance and Christian temper, to the satisfaction of the church, he ought not to be received into the communion of that or any other Presbyterian Church.—1827, p. 202.

VII. In cases of reference, the members of the inferior judicatory making it, retain all the privileges of deliberating and voting, in the course of trial and judgment before the superior judicatory, which they would have had, if no reference had been made.

VIII. References are, generally, to be carried to the judicatory immediately superior.

1. Reference Directly to the Assembly Permitted.

a. The General Assembly sympathize with you (the Presbytery of Harmony) in the painful business detailed to them, and lament the unpleasant events which have taken place relative to Dr. Kollock. And it would afford the Assembly no small degree of pleasure fully to comply with the request of the Presbytery, and in such manner as to remove their difficulties and heal the wounds which have been inflicted. It will be admitted by all that the decisions of the Assembly should be marked with correctness and wisdom, and it will be as generally admitted that it is highly needful to enable them to do this, that they have a correct and clear view of the cases or facts on which they are to decide. The Presbytery of Harmony request the Assembly to examine their conduct, and to censure or support them, as they shall appear to have done right or wrong. The Assembly are ready to do this, and it is believed will cheerfully do it as soon as the records of the Presbytery of Harmony, which relate to this subject, shall be fully before them. In the mean time, it is with pleasure that the Assembly reflect that the Presbytery of Harmony, by carrying this subject to the Synod of which they are a constituent part, may probably obtain a more speedy relief than they could receive in the event of waiting for the decision of the next General Assembly.—1816, p. 615.

b. The Permanent Clerk announced to the Assembly, that there had been put into his hands a reference from the Presbytery of Philadelphia of the whole case of the Rev. Albert Barnes before that body. This case was referred to the Judicial Committee.—1831, p. 321.

c. And the case of the Rev. Horace Belknap, referred to the General Assembly by the Presbytery of Harmony. Referred to the Judicial Committee.—1831, p. 319.

[See also 1832, pp. 362, 363.]

d. Overture No. 6, viz.: A request from the Presbytery of Delaware for advice in a certain case, was referred back again to the Presbytery for a more particular statement of the case, and that said Presbytery may send it, in the first place, to the Synod for advice.—1832, p. 362.

IX. In cases of reference, the judicatory referring ought to have all the testimony, and other documents, duly prepared, produced, and in perfect readiness; so that the superior judicatory may be able to consider and issue the case with as little difficulty or delay as possible.

1. Testimony Attested by the Moderator and Clerk Sufficient.

The following question, signed by William C. Davis, "Whether testimony taken before a session, and sent up to the Presbytery under the signature of moderator and clerk, will not be sufficient in references as well as appeals to render the case thus referred both orderly and cognizable by Presbytery," was answered in the affirmative.—1797, p. 128.

2. A Superior Court may Entertain a Reference which is not Accompanied by the Testimony, and Proceed itself to take it.

The records of the Synod of Kentucky approved, "with one exception, viz.: According to the record on page 66, the Synod taught and acted on the principle that a Presbytery acts irregularly, which upon the reference of a church session, takes the testimony and issues the case according to its bearings, even when the parties concerned agree to the reference. Your Committee are of opinion that this principle is wrong in itself, and evil in its tendency, and therefore recommend this Assembly to express its disapprobation of it."—1853, p. 455, O. S.

In reply to a protest against this decision, the Assembly says:

The action condemned is not "in exact accordance with the Constitution, Discip., chap. vii., sec. ii., art. ix.," as asserted by the protestant; the article referred to containing a rule, designed to facilitate business, but as its language shows, it does not preclude a Presbytery from taking original testimony in certain cases, and it does not appear from the records that the Presbytery of Muhlenburg was irregular in so doing.—1853, p. 456, O. S.

Reference, except from Synods or Presbyteries, Discouraged.

The report of the Joint Committee on Reconstruction recommended the following, which was adopted:

As much time is consumed, and the attention of the Assembly distracted with overtures and questions of minor importance, coming up from various quarters, impeding the transaction of business of more general interest, it is recommended that the Assembly order that, hereafter, bills and overtures come up only from Synods or Presbyteries; yet, that this may not prevent any Committee of Bills and Overtures from bringing before the house, of its own motion, upon a two-thirds vote of the Committee, any matter which they may deem of sufficient importance to engage the attention of the General Assembly.—1870, p. 90.

SECTION III.

OF APPEALS.

I. An appeal is the removal of a cause already decided, from an inferior to a superior judicatory, by a party aggrieved.

[Before the adoption of the Constitution in its present form, in 1821, no distinction was made between an appeal and a complaint. The common form was, "we appeal and complain." Under this broad title any decision whatever was carried by any parties from the lower courts to the higher. Appeals are limited, by the present Constitution, to the original parties to a case who may deem themselves aggrieved, and to cases which have been judicially decided by a lower judicatory. Under this head, however, are included all cases of whatever character which have been the subject of a decision by an inferior judicatory. Cases showing the parties whose appeals have been entertained, and the subjects to which they pertain, may be found under secs. ii. and iii.; sections vi., vii., viii., ix., x. and xi., apply also to complaints. The same case was tried both as an appeal and a complaint.—1834, p. 431; 1835, p. 490; 1836, p. 276.

1. The Death of the Respondent bars further Prosecution.

And on page 277 it appears that the Synod of New York decided that the death of Rev. Mr. Griffith should be no bar in the way of the prosecution of an appeal by his prosecutor from the decision of the Presbytery of Bedford acquitting Mr. Griffith. With these exceptions, the Committee recommended that the records be approved. Their report was adopted.—1833, p. 400.

2. Appeals Limited to Judicial Cases.

The complaint of A. D. Metcalf, etc., against the Synod of Virginia, for deciding that appeals may lie in cases not judicial, was taken up. The decision complained of, the reasons of complaint assigned by the complainants, and the whole record of the Synod in the case were read. The complainants were heard in support of their complaint. The Synod were heard in defence of their decision. The roll was called, that each member of the Assembly might have an opportunity of expressing his opinion. After which, the vote was taken, and the complaint was sustained.—1839, p. 160, O. S.

II. All persons who have submitted to a regular trial in an inferior, may appeal to a higher judicatory.

III. Any irregularity in the proceedings of the inferior judicatory; a refusal of reasonable indulgence to a party on trial; declining to receive important testimony; hurrying to a decision before the testimony is fully taken; a manifestation of prejudice in the case; and mistake or injustice in the decision—are all proper grounds of appeal.

[Appeals have been Entertained and Issued for Causes Named, viz.,] 1. For Refusing to Permit a Call.

a. The unfinished business of yesterday, viz., an appeal from a decision of the Synod of Philadelphia, affirming a decision of the Presbytery of

Carlisle, in which decision the Presbytery resolved not to put into his hands a call for the Rev. Henry R. Wilson, from the congregation of Carlisle, being resumed and fully discussed, it was

Resolved, That the decision of the Synod of Philadelphia be affirmed.

And it was accordingly affirmed.—1814, p. 548.

b. The business left unfinished yesterday was resumed, viz., the consideration of the appeal of the Presbytery of Hudson from a decision of the Synod of New York and New Jersey, reversing a decision of said Presbytery, by which the Presbytery determined not to give leave to the congregation of Goodwill to prosecute before the Presbytery of New York a call which they had prepared for the Rev. William Gray, a member of that Presbytery.

It was moved and seconded that the appeal of the Presbytery of Hudson be sustained. After a full discussion of the subject, the question being taken on this motion, it was determined in the affirmative, and the appeal was therefore sustained.—1817, p. 644.

2. Against a Refusal to Obey the Superior Court.

An appeal from, and complaint against, a vote of the Synod of Philadelphia, in the case of Mr. Hindman, was introduced before the Assembly through the Committee of Overtures, and read. It was as follows, viz.:

It was overtured by the Presbytery of New Castle, that the Synod be requested to review the minute of their last meeting on the case of Mr. Hindman, and also to take into their consideration the conduct of Lewes Presbytery, in the affair of his licensure.

The vote being put, *grant their request or not?* it was carried *not.*

We, whose names are hereunto annexed, dissent from the aforesaid vote of Synod, and complain of and appeal therefrom, to the next General Assembly, for the following reasons:

1. Because, in our apprehension, the Synod have, by their vote in this affair, deprived aggrieved members of a privilege to which they have a just claim.

2. Because the Synod by this vote have, in our opinion, refused to correct the errors in their proceedings of last year, which were censured by the General Assembly, and which, in consequence of that censure, ought to be corrected.

3. Because the vote, as we believe, will, in its effects, tend to keep alive and increase uneasiness in the Presbyteries of New Castle and Lewes.

4. Because we believe that the whole transactions of the Synod of Philadelphia, relative to this affair, have been in direct violation of a known and wholesome rule of the Synod of New York and Philadelphia, respecting the licensure of candidates, and contained in their Minutes of 1764, pages 78 and 80. And we likewise believe, that this violation has a tendency to promote irregularity, deception and injury, both among the churches and judicatures of the Presbyterian body.—1792, p. 53.

[This appeal was entertained and issued, see p. 56. The Synod was censured, but the licensure complained of was confirmed, though declared to be irregular.]

3. Appeal for Refusing to receive an Applicant.

A complaint and appeal of the Rev. Thomas Ledlie Birch, against certain proceedings of the Presbytery of Ohio, in the case of Mr. Birch, particularly for refusing to receive him as a member of their body, on the ground of a supposed want of acquaintance with experimental religion,

together with a representation of the congregation of Washington, in the bounds of said Presbytery, on the same subject, was brought in by the Committee of Bills and Overtures. On motion,

Resolved, That the Assembly will proceed, on Monday morning next, to hear said complaint and appeal.—1801, p. 213.

Subsequently the Assembly—

Resolved, That no evidence of censurable procedure in the Presbytery of Ohio, in the case of Mr. Birch, has appeared to this house; inasmuch as there is a discretionary power necessarily lodged in every Presbytery to judge of the qualifications of those whom they receive, especially with respect to experimental religion.—1801, p. 218.

The Assembly having examined Mr. Birch, especially upon his acquaintance with experimental religion, *Resolved*, That they find no obstruction against any Presbytery to which he may apply taking him up and proceeding with him agreeably to the rules and regulations in this case made and provided.—1801, p. 221. In the next Assembly Mr. Birch complains, *inter alia*, "That the Presbytery of Ohio rejected him, in opposition to the decision and intention of the General Assembly."—1802, p. 246. This complaint was not sustained.

4. Appeal against an Order or Decision of the Superior Court.

a. An appeal from the session of the Third Presbyterian Church of Philadelphia from the decision of the Synod of Philadelphia, affirming a decision of the Presbytery of Philadelphia, in which decision the Presbytery required said session within twenty days from the date of their decision, or after the final determination of the case, to convene the congregation for the purpose of electing a pastor, was determined in the affirmative.—1814, p. 559.

For the full minute of the decision, see Form of Government, chap. xiv., sec. i.

b. [The Second Presbytery of Philadelphia appealed against and complained of the act of the Synod of Philadelphia, ordering it to be merged in the Presbytery of Philadelphia. Both appeal and complaint were sustained and the act of the Synod *pro tanto* declared void.]—1834, p. 432.

c. The Assembly took up the appeal and complaint of the Second Presbytery of Philadelphia in relation to the decision of the Synod of Philadelphia dissolving them as a Presbytery.

The final vote was taken, first on the appeal, which was sustained, and then on the complaint, which was also sustained.—1836, pp. 273–276.

5. An Appeal will not Lie against a Judicatory for Obeying the Order of a Superior Judicatory.

Appeal of Rev. Mr. Hummer against the Presbytery of Highland. The last General Assembly passed the following order, viz.: Overture No. 19. That the General Assembly would take action and give relief in the case of Rev. Michael Hummer, who, having been deposed by the Presbytery of Iowa, had been restored by the Presbytery of Highland against the remonstrance of the Presbytery of Iowa, just as if he was an independent minister.

In answer, the Assembly declares that it is irregular and unconstitutional for any Presbytery to receive and restore a member of another Presbytery who had been deposed, and therefore the action of the Presbytery of Highland, in restoring Mr. Hummer, was improper; and the

Presbytery of Highland is directed to reconsider its action, and proceed according to the requirements of the Constitution.

The report was adopted.

The Presbytery of Highland adopted the following minute:

Whereas, We believe that our action in the reception of Brother Hummer was unconstitutional; and whereas, we have no choice, in view of the direct injunction of the General Assembly; therefore,

Resolved, That we do now proceed to reconsider the action of this Presbytery, by which Mr. Hummer was received into this body.

Resolved, That this action of Presbytery be understood as putting the case into the position it occupied previous to his reception.

Resolved, That Presbytery earnestly advise Mr. Hummer to appeal once more to the Presbytery of Iowa to take up his case, in order that, in the event of their refusal to do him justice, he may appeal to the Synod, and thence, if necessary, to the General Assembly—which resolution was adopted.

Against this proceeding Mr. Hummer appeals.

But it appears that the Presbytery of Highland did nothing more than they were required to do by the General Assembly; that is to say, they reconsidered and set aside the action which the Assembly had declared "irregular," "unconstitutional," and "improper." In the judgment of the Committee, an appeal does not lie in such a case, and they recommend that it be dismissed, and Mr. Hummer have leave to withdraw his papers.

The report was accepted and adopted, and the case dismissed.—1863, p. 35, O. S.

6. An Appeal Dismissed because no Evidence is presented to Sustain the Allegation.

Appeal and complaint of certain persons claiming to be ruling elders of the church at Little Falls *vs.* the Synod of Albany.

That they have examined the records and papers in said case; and although the appeal has been taken in proper form, and after due notice, yet, as there has been presented no evidence to sustain the allegations set forth as grounds of reversal, and as the allegations cannot therefore be tried by the Assembly, the Committee recommend that the said appeal and complaint be dismissed. Adopted.—1861, p. 312, O. S.

Also case of William McElwee *vs.* Synod of Toledo.—1873, p. 509.

7. Appeal will not Lie against a Refusal to Adopt a Paper or Determine a Constitutional Question in thesi.

a. The Judicial Committee having had under consideration No. 1, the appeal and complaint of the Rev. Robert J. Breckinridge, D. D., and others, against a decision of the Synod of Philadelphia, on the quorum question; and No. 2, the appeal and complaint of the Rev. R. J. Breckinridge, D. D., and others, against a decision of the Synod of Philadelphia, on the question of the imposition of hands in ordination, report, that in their opinion the Form of Government and Discipline of the Presbyterian Church do not authorize the appellants and complainants to bring before the General Assembly, either an appeal or complaint in the cases referred to. The report was adopted.—1844, p. 366, O. S.

[Against this a protest was entered, and the Assembly rejoin. See below, chap. vii., sec. iv., sub-sec ii.]

8. Nor where the Court acts within the Limits of its Power and Authority.

The Special Committee, appointed to prepare a minute expressive of the sense of the Assembly in passing the vote in the case of the appeal of Silas Miller from the decision of the Synod of Illinois, recommended the adoption of the following minute:

The Assembly, having heard the appeal of Silas Miller from the decision of the Synod of Illinois, the sentence appealed from and the reasons assigned therefor, the whole record of the proceedings of the Synod in the case, including all the testimony and the reasons of their decision; and having heard the original parties by their counsel, namely, the appellant, by his counsel, Rev. George I. King, D. D., and the session of the church of Tuscola, by the Rev. Edwin Black; and having also heard the Rev. Livingston M. Glover, D. D., and others, members of the said Synod, in explanation of the grounds of their decision, and having carefully considered said appeal and the reasons assigned therefor by the appellant, are of the opinion that there is no valid ground for the appeal, in that it does not appear that the Synod exceeded its power and authority in the premises, or that it did any of the matters or things specified in chap. vii., sec. iii., paragraph 3, of the Book of Discipline, as being proper grounds of appeal; and therefore the Assembly do now order the appeal of said Silas Miller to be dismissed, and the decision of the Synod of Illinois to be confirmed.—1867, p. 516, N. S.

9. Nor where the Action below was Regular, and Itself according to the Equities of the Case.

Sixth. Case of M. A. Rockefeller, H. N. Waples, and M. E. Starick *vs.* the Synod of Harrisburg.

These persons complain and appeal, because the Synod decided their case without hearing both sides fully, since their representative was absent on the last day of the hearing; and because of injustice, in that the Synod did not regard the embarrassments of their position, and the irregularity of the action of the session and the Presbytery, from which they appealed.

The Committee learn from the records of the Synod, to which these appellants refer, as their only testimony, that a full hearing was granted, their representative being heard as long as he desired to speak, and in his absence, after having addressed the Synod, another representative was permitted to serve in his place; and all the provisions of the Book were granted the appellants. Moreover, the decision of the Synod, from which the appeal was taken, contained an injunction upon the Presbytery, to enjoin the session to invite these members of the Church to return to their duties and privileges in the Church, with the assurance that, if they would do so, the action against them should be annulled. The Committee, therefore, fail to find ground for their complaint, for either of the reasons they specify, and recommend that the case be dismissed. Adopted.—1873, p. 509.

IV. Appeals may be, either from a part of the proceedings of a judicatory, or from a definitive sentence.

V. Every appellant is bound to give notice of his intention to appeal, and also to lay the reasons thereof, in writing, before the judicatory appealed from, either before its rising, or within ten days

thereafter. If this notice, or these reasons, be not given to the judicatory while in session, they shall be lodged with the moderator.

1. Notice must be Given and Reasons in Writing.

a. An appeal of Mr. Benjamin Bell from a decision of the Presbytery of Geneva, and also an appeal of Mr. Bell from the decision of the Synod of Geneva, were laid before the Assembly by the Judicial Committee. These appeals were both dismissed, on account of the judicatories, from whose decisions they had been taken, not having received due notice from Mr. Bell that he designed to prosecute them before this Assembly.—1821, p. 25.

b. The appeal of Mr. Charles Yale from a sentence of the Presbytery of Bath, deposing him from the gospel ministry, was taken up and dismissed, because it appeared that Mr. Yale gave notice to said Presbytery that he should appeal to the Synod of Geneva, several days before he signified his desire to the moderator of Presbytery to appeal to the General Assembly.—1826, p. 187.

c. Resolved, That the appeal [of certain pew owners of the First Presbyterian Church in Troy] be dismissed, on the ground that the Synod has not had the constitutional notice of the reasons of the appeal.—1828, p. 242.

2. Evidence that Notice has been Given is Required.

a. The Judicial Committee, to whom was recommitted the appeal of the church of Bergen, made the following report, which was adopted, viz.:

They recommend that said appeal be dismissed, on the ground that the only paper which appears to be intended as an appeal, is without date or signature, or evidence that it was ever before the Synod of Genesee, or lodged with the moderator of said Synod.—1830, p. 292.

A Synod Censured for Entertaining an Appeal without Notice.

b. The records of the Synod of Utica were approved with the following exceptions:

1. That the Synod issued an appeal from the inferior judicatory, when it appeared before them that an appellant had not given notice in writing that he should appeal, with his reasons assigned for appealing, as required by the Book of Discipline, before the rising of the judicatory appealed from, or within ten days thereafter.

2. That the Synod violated the principles of the Constitution in qualifying the members of the inferior judicatory to ascertain whether an appeal had been given, when the Book of Discipline requires that the appeal shall be lodged in the hands of the moderator; and further, that the inferior judicatory shall send authentic copies of all the records, and of all the testimony relating to the matter of appeal up to the Synod, whose duty it is to issue the appeal, when found to be in order, and in accordance with the Book of Discipline.—1840, p. 12, N. S.

c. The Committee further reported No. 13, viz.: Complaint of John Cochran against the Synod of Philadelphia, and recommended that the complainant have leave to withdraw his papers, on the ground that the Committee have no evidence that notice of said complaint was given to the Synod.—1834, p. 434.

3. When a New Trial is Granted by the Superior Court, Notice must be Given by the Appellant.

The appeal of Mr. Craighead from a decision of the Synod of Kentucky was taken up, and being read, it appeared on inquiry that the Synod of Kentucky was not ready for trial, because Mr. Craighead had failed to give them notice that he intended to avail himself of the privilege granted by the last Assembly, by prosecuting his appeal; therefore, *Resolved*, That the further consideration of this appeal be postponed, and that Mr. Craighead be informed, that if he wishes to prosecute his appeal before the next General Assembly, he must give notice of his intention to the Synod of Kentucky.—1823, p. 92.

4. Failure of the Court to Receive Notice does not bar the Appellant.

This Assembly are of opinion that Mr. Lowrey complied with the rule of the Book of Discipline, respecting the notice given, in the case of his appeal; but as this notice appears not to have been received by the Synod, they were not censurable for not sending up the records.—1824, p. 115.

[In this case the Assembly satisfied itself that the notice was sent within the ten days after the rising of the judicatory.]

5. Leave to Show that Notice has been Given to the Court Appealed from.

On motion of E. P. Humphrey, it was *Resolved*, That the case be referred to the next General Assembly with leave to appellants to show them that they gave the Synod notice for an appeal.—1859, p. 540, O. S.

6. On Evidence of Notice the Case Reinstated.

No reasons accompany the complaint, and there is no evidence that any notice of complaint was given to the Synod. Complaint dismissed and leave given to withdraw papers.—1865, p. 542, O. S.

[The next year the complainant above came before the Assembly by overture or memorial, when action was taken, as follows, viz.:]

Also Overture No. 21, relating to an appeal of the Rev. L. R. Lockwood, presented by his counsel, Rev. James Remington.

This appeal against the Synod of Iowa, for not sustaining his appeal from the Presbytery of Dubuque, was dismissed by the last Assembly, on the ground that no reason accompanied the complaint, and there was no evidence that any notice of complaint was given to the Synod. Mr. Lockwood now memorializes this Assembly, and alleges that the required notice of appeal was given to the Synod, and that he was then, and still is, prevented from attending the Assembly during its last and present sessions, and he asks that his appeal may be reinstated, and referred to the next Assembly for trial.

The Committee recommend that his request be granted. He further asks that the Assembly direct the Presbytery of Dubuque to grant him a new trial, on the ground of new testimony.

The Committee recommend that this application be referred to the Presbytery of Dubuque, to the end that if the new testimony be found of sufficient importance to justify, that Presbytery may afford Mr. Lockwood the relief he asks. But if, in their judgment, a new trial ought not to be granted, that then the appeal shall stand for trial on the record as now existing, before the next General Assembly.

The report was adopted.—1866, p. 72, O. S.

VI. Appeals are generally to be carried in regular gradation, from an inferior judicatory to the one immediately superior.

1. Appeals may be Prosecuted directly before the Assembly.

a. That inasmuch as the request of Mr. Bourne to be tried on an appeal before the General Assembly rather than the Synod may be reasonable, and inasmuch as the words of our Constitution, viz.: "The Assembly shall receive and issue all appeals and references which may be regularly brought before them from the inferior judicatories," etc., have been interpreted favorably to such a request, the General Assembly do order, that a certified copy of the records of the Lexington Presbytery in this case be duly made, and transmitted to the next Assembly, unless the Synod of Virginia, to which the Assembly can have no objection, shall have previously received the appeal. [But that this constitutional question, as well as the merits of the case, shall remain open for discussion at that time.]—1816, p. 627.

b. Resolved, That the records of the Synod of Virginia be approved, except their censure of the Presbytery of Lexington for allowing an appeal from their decision directly to the Assembly, without noticing the supposed irregularity of such appeal.—1818, p. 688.

c. An overture from the Presbytery of Baltimore, in relation to the practice of inferior judicatories in carrying appeals and complaints directly to the General Assembly, without first bringing them to their respective Synods, made the following report, which was adopted, viz.: That the Constitution of our Church is so explicit that it requires no order of the Assembly in relation to the case brought to view in this overture.—1833, p. 396.

[The principle guiding the Assembly seems to be that where there is no sufficient reason for passing by the next superior court, the case should go there. But where good reasons for carrying it directly to the Assembly are assigned, it will be entertained. In this the usage is the same both as to appeals and complaints.]

2. Appeals Dismissed because not first Brought in the Lower Courts.

a. The Judicial Committee reported two appeals of Samuel Lowrey; the first from a special decision of the session of the Second Presbyterian Church of Cincinnati; the second from a decision of the Presbytery of Miami. These appeals were dismissed, because the appellant had not prosecuted his appeals before the inferior judicatories.—1822, p. 36.

b. The Judicial Committee made the following report on the complaint of the Presbytery of Philadelphia against the Presbytery of Columbia, relative to the licensure of Mr. Samuel Shaffer, which was adopted, viz.: That it is a desirable thing to prevent the unnecessary accumulation of business before the General Assembly; that no good reason appears why the Synod of Albany, who must be entirely competent to issue the complaint, should be passed by, and that, therefore, in their judgment, the matter ought to go before that body.—1828, p. 237.

c. The Judicial Committee made a report in relation to the appeal of Mr. Matthew H. Rice, from a decision of the Presbytery of East Hanover, which was adopted, and is as follows, viz.:

That the appellant had leave to withdraw his appeal on the following ground, viz.: No reasons are assigned by the appellant for making this appeal to the General Assembly instead of the Synod.—1830, p. 298.

d. The Judicial Committee reported on the complaint of John Cochran against the session of the Eighth Presbyterian Church in Philadelphia, and against the Presbytery of Philadelphia, and their report was adopted, and is as follows, viz.:

The complaint of John Cochran against a decision of the session of the Eighth Presbyterian Church of Philadelphia, which was dismissed by the Presbytery of Philadelphia as "irrelevant and unfounded," appears to have been regularly conducted, except that it is brought directly to the Assembly, from the Presbytery, instead of being carried first to the Synod; and no reasons are assigned for this course. Your Committee would therefore recommend that this case be sent to the Synod for adjudication, should Mr. Cochran choose to prosecute his complaint.—1833, p. 409.

e. The Judicial Committee reported on judicial business No. 7, viz.: the appeal from the decision of the Presbytery of Otsego, by the church at Cooperstown, that it appears from the documents that the appeal is made by said church immediately from Presbytery to the Assembly; and they recommend that the appellants have leave to withdraw their appeal, and prosecute it before the Synod of Utica. This report was adopted.—1834, p. 432.

f. The appeal of Mr. Charles Yale, from a sentence of the Presbytery of Bath, deposing him from the gospel ministry, was taken up and dismissed, because it appeared that Mr. Yale gave notice to said Presbytery that he should appeal to the Synod of Geneva, several days before he signified his desire to the moderator of Presbytery to appeal to the General Assembly. —1826, p. 187.

g. That John Turbitt have leave to withdraw his appeal from the decision of the Presbytery of Peoria, deposing him from the ministry, because the case has not been presented before the Synod.—1859, p. 516, O. S.

h. It is earnestly recommended by this Assembly to the Synod of Illinois, to reconsider their judgment in the case of Mr. John Turbitt, declared at their late meeting, October, 1859; and without regarding the circumstance of his having originally passed over the Synod and appealed directly to the Assembly, nor the circumstance of so much time having elapsed since the decision of the Presbytery against him, to take up his case, and either try it as an appeal against the Presbytery upon the old evidence, or else remand it to the Presbytery for their hearing of the new testimony.—1860, p. 46, O. S.

i. Case of Rev. W. M. White *vs.* the Presbytery of Washington. From the papers before the Committee, it appears that Mr. White was suspended from the ministry, and excluded from the communion of the church by the Presbytery of Washington at its sessions in November, 1870; that since that time he has resided within the bounds of the Presbytery of Pittsburg, and that he made application to the Presbytery of Washington, at its sessions in April, 1873, for a dismission, with a certificate of his standing, to the Presbytery of Pittsburg. This request the Presbytery of Washington declined to grant; and, respecting their decision, have come into the hands of your Committee, 1. A complaint of Rev. W. M. White; 2. A complaint of Revs. David McKinney and Richard Lea, resident in Pittsburg; 3. A petition, signed by ministers and church members, living in and near the city of Pittsburg, praying that the decision of the Presbytery of Washington may be reversed, together with the answers of said Presbytery to these complaints.

The complaints have not been before the Synod, with which these Presbyteries are connected, for the alleged reason that there has been no meet-

ing of the Synod since the action of Presbytery, and the complainants prefer not to wait until the session of the Synod in the autumn. Your Committee, however, do not see sufficient cause in this case for departure from the rule of our Book of Discipline (chap. vii., sec. iii.), viz.: "Appeals are generally to be carried in regular gradation, from an inferior judicatory to the one immediately superior,"—and therefore, recommend that all the papers in the case be referred to the Synod of Pittsburg.

Adopted.—1873, p. 508.

3. Where there is no Common Relation, a Complaint is Allowed.

Also, Judicial Case No. 3. Being a complaint of the Third Presbytery of Philadelphia, against the Presbytery of Luzerne, for an alleged invasion of Presbyterial jurisdiction. The case is brought before the Assembly, because of these Presbyteries having had no common Synodical relations.

The Committee propose that the new Synod take up the case, and that the Presbytery of Luzerne cease all action until the Synod decides.—1870, p. 27.

VII. The appellant shall lodge his appeal, and the reasons of it, with the clerk of the higher judicatory, before the close of the second day of their session.

[The same rule applies to complaints.]

1. The Appellant must Furnish the Necessary Documents.

a. The Judicial Committee reported that they had had under their consideration papers marked—Benjamin Bell's appeal, which purports to be an appeal from a decision of the Synod of Geneva; but there has been laid before the Committee no copy of the decision appealed from, no appeal, nor reasons of the appeal, nor indeed anything but Mr. Bell's plea, intended by him to be laid before the Assembly; wherefore the Committee requested to be discharged from further consideration of this case.

The request of the Committee was granted, and they were accordingly discharged.—1822, p. 45.

b. The Judicial Committee reported that they had before them an appeal of Mr. Benjamin Bell, and requested that they be discharged from any further consideration of this appeal, inasmuch as Mr. Bell has presented no documents but his plea, and no notice of this appeal is to be found on the records of the Synod of Geneva; and their request was granted.—1823, p. 87.

c. Debarred as not being within the Constitutional Time.

The permanent clerk reported that a complaint had been put into his hands this morning, the ninth day of the session, from Mr. James Dickinson, a ruling elder in the Church of Ripley, in the Presbytery of Buffalo.

Resolved, That inasmuch as this complaint was not presented within the constitutional time, the Assembly do not receive it.—1834, p. 429.

[See also 1837, p. 480.]

2. Deferred in the Absence of Necessary Documents.

Mr. Bourne's petition states a decision to have passed against him in the Lexington Presbytery, which by a supplementary paper, he says was

on the 27th of December last, and contained a sentence of deposition, from which, on the next day, he gave notice to the Presbytery that he claimed an appeal to the General Assembly. By his affidavit, taken before an alderman of this city, he further declares, that he, by the permission of the Presbytery, transcribed the minutes of their proceedings; that he afterward wrote in form what he denominates an appeal (meaning, it is presumed, his causes of appeal), and transmitted it to the clerk of the Presbytery with a demand of the copy of the records, and of that paper; but that he had received a letter from the clerk refusing to remove them from the post-office. By his petition, he asks to prosecute his cause before the Assembly, without having first brought his case before the Synod of Virginia; and that if such hearing cannot be granted him at present, that the Assembly will assign him a day. Whereupon,

Resolved, 1. That inasmuch as the records of the Lexington Presbytery, the names of the parties to the suit, the charges made before them in writing against Mr. Bourne, the depositions of the witnesses, and other written documents, are not before the Assembly; and as every principle of equity forbids a process in the absence of documents so essential to its being rightly conducted—prayer for a hearing at this time cannot be granted.—1816, p. 626.

[See vi., above. The appeal was taken up and issued.—1817, pp. 644, 646.]

3. Dismissed as not Lodged in Time.

a. The Committee report that the complaint of Geo. P. Strong and others, against the Presbytery of St. Louis, was not put into the hands of the clerk of the Assembly until the third day of its business, it is therefore barred by the rule.

It was dismissed.—1863, p. 23, O. S.

b. Also complaint of Dr. Alfred Nevin, against the Synod of Philadelphia. The complaint did not come into the hands of the moderator of this Assembly until Monday, the fourth day of the sessions. It is therefore barred by the rule.

Dismissed.—1863, p. 24.

c. The Judicial Committee reported an appeal and complaint of Rev. Dr. John W. Martin, against the action of the Presbytery of Allegheny City, for alleged irregularity in dissolving a pastoral relation. Also an appeal and complaint of Dr. Martin, against the Synod of Allegheny, in reference to its approval of the minutes of the Presbytery alleged to be defective. Also an appeal from the Synod of Southern Iowa, in the case of Robert Fulton, with the statement, in each of these cases, that the papers were not placed in the hands of the Assembly within the constitutional time; and, therefore, they recommended, that the appellants have leave to withdraw the papers.

The report was adopted.—1870, p. 106.

d. A complaint of Erwin Wheeler and A. Hallstraft, against the Presbytery of Des Moines, in the case of the Rev. Fisk Harmon. The papers in this case were not presented until the fourth day of the sessions of the Assembly, and they are also imperfect. The Committee recommend that the parties have leave to withdraw their papers. The recommendation was adopted.—1872, p. 51.

e. Case of Robert Byers *vs.* the Synod of Illinois, South.

The papers in this case did not come into the hands of the Committee until the fourth day of the session, and after parties interested in it had left,

having been told that no such papers had come before us within the time prescribed by the Book, and we report no action in the case.

Adopted.—1873, p. 509.

Case of Ignorance of the Rule.

f. The chairman of the Judicial Committee stated to the Assembly that an appeal had been put into his hands from Duncan Hamilton and his wife, from a decision of the Synod of Pittsburg, which appeal had not been reported to the clerk of the house, and asked the direction of the Assembly in the case. On inquiry, it appeared this appeal was in the house in season; and the persons to whom it was entrusted were not aware of the constitutional rule requiring that it be lodged with the clerk.

Resolved, That, in the opinion of the Assembly, the rule has virtually been complied with.—1830, p. 302.

The Rule Interpreted Liberally where due Diligence has been Used.

g. That, in examining the papers and records in the matter so referred, your Committee find as follows:

1. That, although, in bringing the case before the General Assembly, there are some mistakes and omissions in the required forms of procedure, such has been the good faith and diligence of the complainant, and such would be the manifest and irretrievable injury he must experience, if his complaint be dismissed, that your Committee believe that, according to the spirit of our Book of Discipline, the complaint is properly before this body. That, in proof of the good faith and diligence of the complainant, it appears, that he was advised, by one of the oldest members of the Synod, to lodge his complaint in the hands of the stated clerk; that, according to the certifying of the stated clerk, the complaint was directed to him within the time prescribed by the Book of Discipline; and that the stated clerk of the Synod, when receiving the notice, believing it to be properly directed, neither informed the moderator of it, nor advised Mr. Todd of any mistake in its direction; but informed other members of the Synod of the complaint, and finally put all the documents into the hands of the commission to this Assembly, to place them in due form before it. Your Committee are also assured, that Mr. Todd wrote to the stated clerk, two or three days previous to the opening of the Assembly, earnestly requesting that the papers might not fail of coming before the Assembly; and, also, that he expressed the desire that, if his presence were necessary, he might be notified of it by telegram.—1863, p. 278, N. S.

4. In the absence of Records through the Non-attendance of the Commissioner, the Appeal Received and Referred.

Dr. Musgrave, from the Judicial Committee, reported Case No. 3, being the appeal of Rev. C. J. Abbott against the action of the Synod of Missouri. The Committee reported as follows:

The Committee are verbally informed, that this case originated in the Presbytery of St. Louis, upon charges preferred by common fame against the appellant. The charges were sustained in the Presbytery, and on appeal to the Synod, were also sustained by the Synod of Missouri.

The Committee were also verbally informed, that an appeal was taken from the action from the Synod, which in due course ought to have been presented to the last Assembly; that the record was forwarded to the city

of Philadelphia, but in consequence of the absence from that body of the commissioner to whose care the record was committed, it failed to be presented; and the appellant now asks that his appeal may be entered, and that it be referred to the next General Assembly for trial.

The Committee recommend that the request of the appellant be granted.

The report was adopted, and the case referred to the next General Assembly.—1862, p. 608, O. S. see ante, p. 518.

5. Where the Appeal Failed to be Lodged in Due Time through Mistake of the Appellant, it was Entered and Referred.

Also, Judicial Case No. 5, the appeal of Rev. John Turbitt from the decision of the Synod of Illinois, by which the action of the Presbytery of Peoria, in deposing the appellant, was affirmed.

The Committee reported as follows:

This appeal appears to have been regularly taken, but was not lodged with the clerk of this Assembly before the close of the second day's sessions. (See chap. vii., sec. iii., sub-sec. vii.) The Committee have reason to believe that the appellant was under the impression that the present meeting of this Assembly was to be at Dayton, in this State, and by forwarding his papers to that place, they were delayed, so that they were not received here until after the end of the fourth day's sessions. Under these circumstances, the Committee recommend that the appeal be docketed. And as it satisfactorily appears to the Committee that the appellant has been providentially hindered from attendance at this session, they further recommend that the case be deferred to the next Assembly for trial.

The report and recommendation were adopted.—1862, p. 611, O. S.

VIII. In taking up an appeal, after ascertaining that the appellant on his part has conducted it regularly, the first step shall be to read the sentence appealed from: secondly, to read the reasons which were assigned by the appellant for his appeal, and which are on record: thirdly, to read the whole record of the proceedings of the inferior judicatory in the case, including all the testimony, and the reasons of their decision: fourthly, to hear the original parties: fifthly, to hear any of the members of the inferior judicatory, in explanation of the grounds of their decision, or of their dissent from it.

[The order for taking up a complaint is the same as in an appeal. On questions of regularity on the part of the appellant see above, sections v. and vii.]

1. In the Absence of Records, the Decision of the Appeal should be Suspended.—Parol Evidences will not Supply the Place of the Records.

In the case of Samuel Lowrey (see 1823, p. 92) it appeared on inquiry that neither the records of the Synod of Ohio nor the records of the Presbytery of Miami were brought to the Assembly; but as the delegates belonging to the Synod admitted it to be a fact, as stated in Mr. Lowrey's appeal, that the Presbytery of Miami did appoint a special session, composed of elders belonging to different congregations, for the purpose of trying Mr. Lowrey, and that the decision of such a special session was affirmed by the Synod of Ohio; therefore,

Resolved, That the appeal of Mr. Lowry be sustained, and it hereby is sustained.—1823, p. 92.

Against this decision the Synod of Ohio memorialized the Assembly, and the Assembly *inter alia* declare—

This Assembly are of opinion that the correct mode of proceeding for the last General Assembly, would have been, to have suspended a decision on the appeal, until the records of the inferior judicatories should have been present, because the rules in our Form of Government prescribe, that before a judgment is given, all the proceedings of the inferior judicatories in the case should be read, and it is a sound maxim, generally admitted in courts of justice, that the best evidence which the case admits of should be required, which, in all trials, is undoubtedly the record of the judicatory. But while they entertain this opinion of the mode of proceeding, they believe that the decision of the last General Assembly was substantially correct, and was not different from what it would have been if they had had all the proceedings of the inferior judicatories before them: for the fact on which they founded their judgment, has been fully confirmed to this Assembly, by the records which have been read in the discussion of the case.—1824, p. 115.

On page 375, in case of a complaint against the decision of a Presbytery, no evidence appears that the records of the Presbytery were read. Exceptions to Records, Synod of Indiana, 1837, p. 480.

2. Reading of the Documents by Consent Dispensed with.

The Assembly entered on the consideration of the two appeals of the Rev. Robert B. Dobbins, from the decision of the Synod of Kentucky, in the cases of the Rev. William L. Maccalla, and the session of the church of Augusta. The Rev. Dr. E. S. Ely appeared in behalf of Mr. Dobbins. The parties were heard until they declared themselves satisfied (the facts having been admitted by them, and the reading of the documents by consent dispensed with). The roll was then called, that the members of the Assembly might express their opinions on the subject; after which Drs. Wylie, M'Dowell and Leland were appointed a Committee to prepare a minute on the subject.—1824, p. 120.

3. The Hearing of a Voluminous Case Declined.—The Case Terminated by the Assembly without further Trial.

On the complaint of the Rev. Mr. Smylie, in the case of the Rev. Dr. Scott, the Assembly adopted the following report of the Judicial Committee:

There are three ways in which this complaint might be disposed of.

1. The Assembly might take it up, wade through the testimony, receive the new testimony that it is understood the complainant wishes to offer to decide the case. But against this course, besides other difficulties, it may be mentioned as a very serious one, that the bare reading of the records of the Presbytery would consume four or five days.

2. Another mode might be adopted, by referring the case for reconsideration to the Presbytery of Louisiana, who might be directed to take any new testimony that should be properly offered.

3. Or the General Assembly might remand the case to the Synod of Mississippi, to hear the complaint, and dispose of it in a regular and constitutional manner. This, it is deemed, would be the wisest course.

But, were either of these modes adopted, it would require a great consumption of time, and subject the judicature that might adjudicate on the

case to great inconvenience, and no inconsiderable expense,; and instead of resulting in practical good, might produce great excitement, and consequences injurious to the peace and edification of an important section of our Church. The testimony is so voluminous, that to form a correct judgment on it, would require a retentive memory, patient attention, diligent comparison of its several parts, as well as a discriminating mind. It is to be regretted that the Presbytery sanctioned by their authority the publication of the speeches on both sides of the question.

The Committee after carefully deliberating on the subject were unanimously of the opinion that if the case could be disposed of, consistently with the rights of Mr. Smylie, without remanding it to either of the inferior courts, and without the Assembly's adjudicating on it, all the ends of justice would be gained, and the peace of the Church would be promoted. They therefore invited Mr. Smylie to a friendly interview, in which they expressed their opinion, and he stated his views. He did not concur with the Committee in regard to the probable consequences of the case being remanded to the Synod or the Presbytery; and stated that in prosecuting his complaint he was influenced by no personal feeling against Dr. Scott, but by a desire that truth might be sustained, justice done to all concerned, and the Constitution of our Church upheld; but if the Committee would, without his concurrence, assume the responsibility of recommending to the General Assembly to terminate the case without any further trial, and the Assembly should determine to adopt this as the wisest way of terminating it, he would submit, and feel that he had discharged a duty, which, while it was troublesome and painful, had put him to no inconsiderable expense.

It is due to the Rev. Mr. Smylie to say, that the Committee believe, that in prosecuting his complaint, he has been prompted by a sense of duty and a regard to the Constitution of our Church, and governed by what he deemed its purity and best interests required.

The Committee recommend to the Assembly the adoption of the following resolution:

Resolved, That in view of the representation of the case given in the above statement by the Judicial Committee, of the voluminous nature of the testimony, and of the difficulties attending the case, and believing that the interests of the Church will be best promoted by adopting the course recommended by the Committee, and being willing to assume the responsibility of acting accordingly, this General Assembly do hereby terminate this unhappy case without any further judicial trial.—1847, p. 385, O. S.

4. Matters Foreign to the Issue may by Consent be Omitted in the Reading.

a. Resolved, That in reading the minutes of Lexington Presbytery, the names of the voters in calling the yeas and nays be omitted, unless called for by one or other of the parties litigant; and that the proceedings of Presbytery, in reference to other matters foreign to the issue before us, be also omitted, unless called for specially by one of the parties.—1848, p. 30, O. S.

b. The Assembly then proceeded to take up the business, according to the recommendation of the Judicial Committee. After the usual admonition, read from the Book, to the members in their judicial capacity, the papers were read, according to the constitutional order; and after all the papers presented by the Committee had been read, a recess was taken for half an hour.

After the recess, George Howe moved that the whole records of the Presbytery in relation to the case now before the Assembly be read.

This motion was carried, and the minutes of the Presbytery of Elizabethtown were accordingly read, in everything pertaining to the case, until it was carried by appeal to Synod of New Jersey; the moderator deciding that any subsequent record should not be read.—1858, p. 291, O. S.

5. Documents not Read may be used in Pleading.—In a Case under Common Fame, the Appellant the only Original Party.

In the appeal of Alexander Frazer, against the Synod of Buffalo, the course required in the Book for conducting appeals was then pursued; and at the third stage of the proceedings, a question having arisen as to the reading of certain printed pamphlets as a part of the evidence, it was

Resolved, That in the judgment of the Assembly it is not necessary to read the pamphlets *in extenso*, but counsel can make such use of them as they see fit in the course of their argument.—1859, p. 542, O. S.

The original parties being called for, the moderator decided that the case having arisen without an individual prosecutor, there was but one original party before the court, who was now to be heard by A. G. Hall and J. Bliss, representing him.—1859, p. 543, O. S.

The moderator ruled that the fifth stage of the proceeding was to hear any member of the Synod of Buffalo, present as a commissioner. An appeal was taken from the decision of the moderator, but was not sustained. —*Ib.*

6. Case Remanded for New Trial because the Original Parties had not been Heard.

Complaint and appeal of the Presbytery of Passaic against the Synod of New Jersey [not entertained as an appeal because not made by one of the original parties. See Discipline, chap. vii., sec. iii., sub-sec. xvii.] continued as a complaint.

Resolved, That the case be returned to the Synod for a new trial, if a new trial be required.

1. Because it appears from the record of the Synod that the original parties in the case were never heard by them, the original parties in the judgment of the Assembly being Mr. William B. Guild and the Committee prosecuting for common fame.

2. Because the reasons for the decision of the Synod were not recorded according to the requisition in chap. iv., sec. xxiii., Book of Discipline.—1861, p. 344, O. S.

7. Case Issued where no Person Appears on Behalf of the Respondent.

The Assembly took up the complaint of the minority of the Synod of Kentucky, against a decision of the majority of said Synod, in the case of Mr. Benedict H. Hobbs.

The decision complained of, the complaint, and the proceedings of the several judicatories in the case were read. The complainants were then heard: no persons appeared on the part of the Synod.

After due consideration, the following resolution was adopted, viz.:

That the complaint be, and it is hereby sustained, and the judgment of the Synod is reversed.—1831, p. 342.

8. Reasons Assigned by an Appellant must be Recorded.—They must be Couched in Decent and Respectful Language.

Overture No. 6, from certain ministers and ruling elders, requesting the Assembly to decide whether the clause in the Book of Discipline, chap. vii., sec. iii., sub-sec. viii., "and which are on record," requires that these reasons are to be spread on the book of the minutes of the court appealed from, or whether they may be considered as on record when simply on file. And if said clause requires the reasons to be spread on the minutes, whether the judicatory has authority to require that the reasons be couched in decent and respectful language, and contain no offensive reflections or insinuations against the judicatory, as in the case of dissent and protest.

Recommended that this Assembly decide, first, that th reasons must be spread on the minutes; second, that the question respecting the language be answered affirmatively.

The recommendation was adopted.—1862, p. 596, O. S.

9. Commission Appointed by the Assembly with Full Powers by Consent of Parties.

a. Case of Mrs Maria Hill.—Appeal vs. *Synod of Albany.*

The Assembly proceeded to the second order, being the appeal of Mrs. Maria Hill from a decision of the Synod of Albany.

The moderator reminded the Assembly, in due form, of the judicial character which they now assumed.

The sentence appealed from was read.

The reasons for the appeal were read, and also the proceedings of the inferior judicatory.

At this stage, by consent of the representatives of the original parties, the whole matter was referred to a Committee consisting of Mr. Samuel H. Perkins, Hon. Charles Noble and Mr. Edward D. Mansfield.—1864, p. 477, N. S.

[The commission reported, and their report was adopted as the action of the Assembly. See decision under chap. iv., sec. x., above.]

b. Complaint of Seventh Church and Presbytery of Cincinnati vs. *Synod of Cincinnati.*

Also, Judicial Case No. 5—being a complaint of the session of the Seventh Church of Cincinnati, and the appeal and complaint of the Presbytery of Cincinnati, against the decision of the Synod of Cincinnati, in the case of the Misses Brown, which was referred to this Assembly by the last General Assembly (see Minutes, page 313). The Committee find the case in order, and ready to be taken up and adjudicated, if this body so please, in the usual manner. As it is, however (Digest, p. 287), declared to be the province of the Judicial Committee not only to ascertain whether appeals and references to the Assembly are in order, but also to propose to the Assembly the best mode of proceeding in each case, the Committee will be pardoned, perhaps, for the suggestion that all the ends of justice may be answered, and the whole matter harmonized, if this very unusual case be dealt with in a somewhat unusual way. It is of such a nature as to be unfit for public discussion, and it is in every way exceedingly undesirable that the testimony should be read or the case debated in the open sessions of this body. According to the Digest (p. 144, note), no deviation from the regular order prescribed in the Book should be allowed, unless upon the consent of all the parties, expressed in open court. The parties

in this case, feeling as every one does who knows anything of its character, that it ought not to come directly before the Assembly, if a satisfactory result can be arrived at in any other way, have consented to have it referred to a Committee of nine, of this body, taken from Presbyteries so remote as to be without prejudice in the matter. Influenced by these considerations, which are altogether of an extraordinary character, we venture to propose that such a Committee be appointed, consisting of five ministers—Rev. Dr. Perkins of the Presbytery of Burlington, Dr. Bannard of the Presbytery of Albany, Dr. Samuel Wilson of the Presbytery of Redstone, Dr. Breed of the Presbytery of Philadelphia, and Rev. A. V. C. Schenck of the Presbytery of Missouri, and four ruling elders—J. K. Davidson of the Presbytery of Carlisle, T. T. Alexander of the Presbytery of Transylvania, D. W. Patterson of the Presbytery of Donegal, and Charles Crosby of the Presbytery of Rock River. That this Committee be directed to hear the parties, and report to this body during its present sessions, for their final action in the case; and that they hold their first meeting for this purpose at half-past seven o'clock this evening, in the lecture-room of this church.

The report was adopted.—1865, p. 538, O. S.

See under sec. x., below.

c. Appeal of Lewis Lockwood vs. *Synod of Iowa.*

Judicial case No. 3—being the appeal of the Rev. Lewis R. Lockwood from the judgment of the Synod of Iowa affirming the judgment of the Presbytery of Dubuque, by which the appellant was suspended from the ministry. The original charges against Mr. Lockwood were tabled in the name of common fame. The accuser here represented by the commissioner from the Presbytery of Dubuque, and the appellant by his counsel, the Rev. A. T. Rankin, consent that the case may be referred to a commission of seven members, to be appointed by the moderator of the Assembly, to hear and determine it; their judgment to be reported to the Assembly for its approval. The Committee recommend that such a commission be appointed with the powers and duties thus indicated and consented to.

The recommendation was adopted, and the following commission appointed: Ministers—W. C. Matthews, D. D., Andrew Vance, D. D., William J. Gibson, D. D., J. O. Murray, P. D. Young. Ruling elders—W. R. Bush, William McCrea.—1867, p. 327, O. S.

[The appeal was not sustained, and the judgment of the lower court was affirmed.]—*Ib.*, p. 347.

d. Two other cases of appeal were, by consent of parties or their representatives, referred to commissions by the same Assembly, p. 341. Their reports respectively are found on pages 355 and 360, Minutes, 1867, O. S.

e. Appeal of Church of Mifflinsburg vs. *Synod of Philadelphia.*

Also, judicial case No. 6—being an appeal and complaint of the church of Mifflinsburg, against the Synod of Philadelphia, for its action in the appeal and complaint of Rev. Isaac Grier, D. D.

The Committee find the papers to be in order, and they recommend, as the parties are so agreed, that a commission, consisting of Rev. William M. Paxton, D. D., Rev. S. G. Spees, D. D., Mr. H. N. McAlister, Hon. I. S. Spencer, Hon. J. B. Skinner, Hon. Daniel Haines, and Messrs. H. G. Spafford and Joseph D. Reinboth, be now appointed to sit on this case outside of the house, and to report to this Assembly.—1870, p. 27.

IX. After all the parties shall have been fully heard, and all the information gained by the members of the superior judicatory, from those of the inferior, which shall be deemed requisite, the original parties, and all the members of the inferior judicatory, shall withdraw; when the clerk shall call the roll, that every member may have an opportunity to express his opinion on the case; after which the final vote shall be taken.

1. The Withdrawal Construed Literally.

a. The appeal of Mr. Joseph E. Bell, from a decision of the Presbytery of Concord, suspending him from the office of the gospel ministry, was taken up.

The appellant having requested that some person may be appointed to manage his appeal, the Rev. N. S. S. Beman was accordingly appointed.

The decision of the Presbytery appealed from, the reasons assigned by the appellant for his appeal, which were on record, and the whole record of the proceedings of the inferior judicatory in the case were read.

After which, Mr. Beman, on behalf of Mr. Bell, was heard. The Presbytery of Concord was then heard by their delegate, in explanation of the grounds of their decision.

Mr. Beman and the delegate from Concord then withdrew. The roll was then called, to give each member an opportunity to express his opinion; after which the final vote was taken, and the appeal of Mr. Bell was sustained.—1828, p. 238. See also 1836, p. 265.

b. The moderator having decided that the rule requiring the parties to withdraw, should be understood in the obvious and literal sense, an appeal was taken from his decision, and the decision was sustained by a large majority.—1848, p. 40, O. S.

c. Judicial Case, No. 2, was resumed, and the roll was called for an expression of opinions, the parties, with the appellant's counsel, having withdrawn from the house.—1849, p. 262, O. S.

d. The records of the Synod of Georgia were approved, with the exception that on page 337 we have the following minute: "That the rule in the book requiring the members of the inferior judicatory to withdraw from the house be understood *metaphorically*, and that the rule be understood as fully complied with, by excluding the Flint Presbytery from any further participation in the discussion, and from voting in the case."—1858, p. 289, O. S. See also 1858, p. 296, O. S.; 1859, p. 546, O. S.

2. Withdrawal Construed Metaphorically.

The parties were then considered as withdrawn.—1834, p. 443.

The parties in the case were heard, and then considered as withdrawn.—*Ib.*, p. 454; also 1835, p. 490; 1836, p. 276; 1828, p. 244.

3. Calling the Roll for Expression of Opinion.

a. Resolved, That during the remaining sessions of this Assembly it shall be understood that when the roll is called, in the trial of any case, the members shall be confined to the giving of their opinion without reasons, according to the letter of the constitutional rules.—1836, p. 276.

b. There is no record of calling the roll for remarks of the members before taking the vote in the case of an appeal by A. King. Exception to records, Synod of Cincinnati.—1849, p. 177, N. S.

c. It was moved and carried, That the calling of the roll be dispensed

with. Complaint of Rev. N. West *vs.* Synod of New York.—1864, p. 328, O. S. See Discipline, chap. i., sec. iii.

4. The Final Vote must be Taken.

Inasmuch as the Synod of Indiana did not take an express vote on sustaining the appeal of Mr. Harne , and the sentence on record is vague and inconsistent with itself, that the whole case be remitted to the said Synod, with an injunction to them to reconsider the case, and pass a definite, precise and just sentence.—1837, p. 480.

5. It is taken Separately on each Charge.

The business left unfinished yesterday was resumed, viz., the trial of Mr. Bourne's appeal from the decision of the Presbytery of Lexington, by which Mr. Bourne was deposed from the gospel ministry, and the follo ing resolution was again brought before the Assembly, and being amended, and fully discussed, was adopted, viz.:

Resolved, That the appeal of Mr. Bourne be dismissed, and that the decision of the Presbytery of Lexington, declaring him deposed from the gospel ministry be, and it is hereby confirmed, on the first, second, third, fifth and sixth charges.

The vote was taken separately on each of these charges, and was declared in the affirmative.—1818, p. 682.

X. The decision may be either to confirm or reverse, in whole, or in part, the decision of the inferior judicatory; or to remit the cause, for the purpose of amending the record, should it appear to be incorrect or defective; or for a new trial.

I. THE DECISION MAY CONFIRM THE DECISION OF THE LOWER COURT.

1. *a.* 1814, p. 559, 560. See under Form of Government, chap. xv., sec. i.

b. 1868, p. 648, O. S. See under Form of Government, chap. xvii., sec. v.

c. 1872, pp. 15, 75, 80. See Form of Government, chap. xiii., sec. ii., 13, *a*, *b*, *c*.

d. 1859, p. 546 and 547. See Discipline, i., iii., 12, *a*, *b*, case of Alexander Frazer *vs.* the Synod of Buffalo, and Alexander Gordon *vs.* the same.

e. 1866, p. 74, O, S. See Discipline, chap. v., sec. v. Case of Samuel Boyd. In this case it was held that the appellant, not having objected to alleged informalities at the time of trial, "had waived all informalities in the proceedings antecedent to the trial."

f. 1867, p. 847, O. S. The commission report, That the appeal *be not sustained*, and that the judgment of the lower court be affirmed. Adopted. Also 1866, p. 74, O. S.

2. In Confirming the Decision, the Assembly Directs that if a New Trial as Ordered be not Instituted within Six Months the Decision shall be Final.

And, therefore, the Assembly do now order and direct that the appeal of the said Silas Miller be dismissed, and the decision of the Synod of Illinois be confirmed; and the Assembly further order and direct that, if the session of the church of Tuscola do not, within six months

from the date hereof, refer the case to the Presbytery of Wabash for a new trial, in accordance with the decision of the Synod of Illinois, then the decision of the said Synod sustaining the appeal shall become absolute and final, and the said Silas Miller shall be thereupon restored to all the rights and privileges which he had and enjoyed as a member of the church of Tuscola, and from which he was suspended by the judgment and sentence of the session of said church.

The report was adopted.—1867, p. 517, N. S.

3. Confirmed, because "It does not appear that the new testimony offered by Mr. Gwinn has in any important point changed the aspect of his case."—1823, p. 90. See below, chap. ix., sec. iv.

II. THE DECISION MAY REVERSE THE DECISION OF THE LOWER COURT.

4. Reversed on Review of Testimony.

An appeal having been taken by Mr. John Gordon, from the decision of the Synod of Pittsburg, affirming the judgment of the Presbytery of Redstone, by which the Presbytery had suspended Mr. Gordon and his wife from the distinguishing privileges of the church, on the charge of ante-nuptial fornication, was brought in by the Committee on Overtures. The Assembly having before them the evidence which had been before the Synod, and having fully heard the members of that Synod present in defence of their decision, it was, on motion,

Resolved, That the decision of the Synod, in affirming the judgment of the Presbytery of Redstone, be reversed.

And it, therefore, was reversed.—1807, p. 386.

5. Reversed without Assigning a Reason.

The consideration of the appeal of the Presbytery of Ohio, from the decision of the Synod of Pittsburg, in the case of Mr. Gwinn, was resumed, and the parties were heard until they said they had nothing farther to add.

The decision of the Synod of Pittsburg reversed a decision of the Presbytery of Ohio, by which decision the Presbytery had suspended the Rev. Andrew Gwinn, *sine die*, from the office of the gospel ministry.

A motion was made and seconded, that the appeal of the Presbytery of Ohio be sustained, and the decision of the Synod in the case be reversed, which was determined in the affirmative.—1819, p. 709.

[See also 1821, p. 25.]

6. Reversed because of Disproportionate Sentence.

[See above, chap. i., sec. v., *a*, *b*, *c*.]

7. Reversal on the Ground of undue Severity does not Determine the Innocence of the Accused, nor Relieve him from other Process.

Judicial Case No. 6 was then taken up—the appeal of T. F. Worrall against the Synod of Illinois. The usual charge was read by the moderator, and the Assembly proceeded with the case according to the order prescribed in the report of the Committee, which is as follows:

The Committee report as follows: This case originated before the session of the church of Bloomington, on charges preferred against the appellant by the session on "general rumor."

After an examination the session convicted him, and passed sentence excluding him from the communion of the Church.

An appeal was taken from this decision to the Presbytery of Bloomington, which refused to sustain the appeal. An appeal was taken from thence to the Synod, which refused also to sustain the appeal. From this decision of the Synod of Illinois this appeal is taken to the General Assembly. . . .

The final vote was 40 to sustain, 39 to sustain in part, and 5 not to sustain.

On motion, a Committee was appointed to bring in a minute, expressive of the judgment of the Assembly in the case.

Messrs. Hodge, J. D. Smith and H. K. Clark were appointed this Committee. They subsequently reported the following, which was adopted:

Resolved, as the expression of the judgment of this Assembly, That the sentence of excommunication against T. F. Worrall, by the session of the church at Bloomington, Illinois, be reversed, as being unduly severe. The Assembly, however, do not intend by this decision to restore Dr. Worrall to the communion of the Church, from which he is now understood to be suspended, on other charges still under adjudication; nor do the Assembly intend to decide that he did not deserve censure for the improper language which is set forth in the charges against him.—1861, pp. 346, 347, O. S.

8. Where one has Absented himself from the Ordinances of the Church, a Qualified Certificate is Sustained.—Decision of Synod Reversed as in Error in Prescribing a Form of Certificate.

The Assembly took up Judicial Case No. 6, being the complaint of the Rev. N. West, D.D., against the Synod of New York.

Mr. Rowland had absented himself from the ordinances of the Second Church of Brooklyn, New York, for some months. Upon application for his certificate, the session gave him a certificate omitting the words, "*at present in good and regular standing*," and substituting for them a testimonial to his previous good Christian character; inserting, at the same time, a statement of the fact of his recent absence from the ordinances of the church. Mr. Rowland brought a complaint against the session, before the Presbytery of Nassau, and the Presbytery sustained the complaint. Mr. West complained to the Synod against the Presbytery. The Synod of New York, by a vote of 10 to sustain, 12 to sustain in part, and 21 not to sustain, sustained the complaint of Rev. N. West against the Presbytery; and then, in its final minute, ordered a letter in the usual form to be given to Mr. Rowland. Against the decision of the Synod, in adopting this minute, Mr. West complains.

The moderator reminded the members that, as they were about to sit in a judicial capacity, they should regard their high character as members of a court of Jesus Christ.

The sentence complained of was read, and is as follows:

"The Committee appointed to bring in a minute in the case of the complaint of the Rev. N. West against the action of the Presbytery of Nassau, report as follows:

"The vote of the Synod was—to sustain the complaint, 10; to sustain in part, 12; not to sustain, 21. The Synod therefore sustains the complaint only in part. In this judgment the Synod does not decide that the papers given to Mr. Rowland were unconstitutional, but that, under the circumstances, they deem them to have been unadvised, and therefore, as a measure of peace, the Synod directs the session of the Second Church to give

to Mr. Rowland and wife certificates of church membership, in such form as is usual among the churches of this city, in dismissing members in good standing."

The reasons assigned by the complainant for his complaint were then read; also the whole record of the inferior judicatories in the case, including the testimony and the reasons for their action.

The Rev. N. West, D. D., the complainant in the case, was heard.

The Synod of New York was heard, the clerk calling the names of its commissioners. After which the parties were directed to retire.

It was moved and carried, that the calling of the roll be dispensed with.

The vote was then taken, and the complaint was almost unanimously sustained.

Dr. Rodgers offered the following resolution, which was adopted:

Resolved, That the complaint of the Rev. N. West, D. D., be sustained, and the decision of the Synod, in its final minute, be, and it hereby is reversed; and further, that the Synod erred in prescribing to the session of the Second Church of Brooklyn, the form of a certificate to be granted to Mr. Rowland, after they had already granted a certificate to him which was agreeable to the Constitution of the Church and to the truth.—1864, p. 328, O. S.

9. Reversed because of Unconstitutional Action of the Court Appealed from.

The Committee to which was referred the motion on the appeal of Mr. Lowrey reported, and their report being read was adopted, and is as follows, viz.:

Mr. Lowrey's appeal from the decision of the Synod of Ohio being taken up, and the sentence appealed from, having been read, together with the reasons of his appeal, it appeared on inquiry, that neither the records of the Synod of Ohio, nor the records of the Presbytery of Miami were brought to the Assembly; but as the delegates belonging to that Synod admitted it to be a fact as stated in Mr. Lowrey's appeal, that the Presbytery of Miami did appoint a special session composed of elders belonging to different congregations, for the purpose of trying Mr. Lowrey, and that the decision of such a special session was affirmed by the Synod of Ohio; therefore, resolved, that the appeal of Mr. Lowrey be sustained, and it hereby is sustained; and that all the proceedings in the case be, and they hereby are reversed on the ground that the appointment of such a special session is entirely unconstitutional; and if Mr. Lowrey has done anything offensive, he ought to be tried by the courts that have been instituted by the Constitution of our Church.—1823, p. 92.

10. Where Sentence is Reversed for Irregularity, either Party may Institute a new Trial.—If Process be not Commenced within the time Limited, he may Demand a Letter, as in Good Standing.

The appeal of Mr. Joseph E. Bell, from a decision of the Presbytery of Concord, suspending him from the office of the gospel ministry, was taken up.

The appellant having requested that some person may be appointed to manage his appeal, the Rev. N. S. S. Beman was accordingly appointed.

The decision of the Presbytery appealed from, the reasons assigned by the appellant for his appeal, which were on record, and the whole record of the proceedings of the inferior judicatory in the case were read.

After which, Mr. Beman, in behalf of Mr. Bell, was heard. The Pres-

bytery of Concord was then heard by their delegate, in explanation of the grounds of their decision.

Mr. Beman and the delegate from Concord then withdrew. The roll was then called, to give each member an opportunity to express his opinion; after which the final vote was taken, and the appeal of Mr. Bell was sustained.

Mr. Frost, Mr. Plumer, and Mr. Fine, were appointed a Committee to prepare a minute in relation to the above decision.

The Committee reported the following, which was adopted:

1. *Resolved*, That in the judgment of the Assembly, Mr. Bell was and still continues to be fully amenable to the Presbytery of Concord.

2. That while the Assembly do not wish to protect the guilty, they do judge that great caution, deliberation, and, as far as may be, the rules of discipline, where ministerial character is impeached, ought to be strictly observed, and that in this case the informality was exceptionable.

3. That if it be deemed necessary for the good of religion and the honor of the ministerial character, the Presbytery of Concord are entirely competent to commence a new trial; or if Mr. Bell shall desire, for his own sake, a new trial, the door is still open.

4. That in the mean time, Mr. Bell's ministerial standing shall be considered regular, and if no process shall be commenced by either party within the space of six months from the first of June next, then Mr. Bell may claim from the Presbytery of Concord a dismission, declaring him to be in regular standing.—1828, p. 240.

11. Reversed for Haste and Unconstitutional Action.

The Assembly sustained the appeal of Mr. Arthur, from the sentence of Presbytery, by which he was suspended from the gospel ministry on the ground of contumacy, because the Presbytery appeared to have been precipitate, and not to have observed the constitutional rules. See Discipline, chap. iv., sects. vi., x. and xi.—1822, p. 53.

[See under Form of Government, chap. xiii., sec. ii., 10; chap. xiii., sec. vii., 6.]

12. Sentence Reversed, and the Appellant Declared to be in Regular Standing.

The unfinished business of the forenoon was resumed, viz.: the consideration of the appeal of Mr. James Atwater from the decision of the Synod of Geneva, affirming a decision by which Mr. Atwater had been excommunicated by the church at Genoa.

The parties were fully heard, and the following resolution, after some discussion, was adopted, viz.:

Resolved, That the appeal of Mr. Atwater be sustained, and it hereby is sustained; and that Mr. Atwater have liberty, as a member of the Presbyterian Church in regular standing, to connect himself with any church which may be disposed to receive him.—1821, p. 27.

13. The Decision may Declare the Acts of the Lower Courts Void.

a. Resolved, That the appeal and complaint of the Second Presbytery of Philadelphia, against the Synod of Philadelphia, be and the same are hereby sustained; and the act of said Synod, so far as it was intended to unite the said Second Presbytery with the Presbytery of Philadelphia, is hereby declared void.—1834, p. 432; 1854, p. 33, O. S.

b. In the appeal of persons claiming to be the church of St. Charles it was

Resolved, That the Assembly herein sustain the appeal, *pro forma*, and orders the entire setting aside of all the proceedings in the whole case in all its stages, from the time that notice was first given to call a meeting of the congregation for the election of the three elders, and directs all the parties to stand precisely where they did before any step was taken in it.—1838, p. 19.

c. Resolved, That this Assembly understands the act of the Assembly of 1838, as sustaining the appeal of Rev. Hiram Chamberlain, not upon the merits of the case, but on account of informality of the courts below, and that "in the entire setting aside of all the proceedings in the whole case," they intended not only to annul the past, but also to forbid all subsequent action contrary to the will of the regularly-constituted authorities of that church, and they hereby declare any such unconstitutional action that may have been had by any person, or persons, in connection with that church, to be null and void.—1840, p. 302, O. S.

14. The Reversal Annuls the Acts Complained of.

a. The appeal and complaint of Thomas Bradford and others, from a decision of the Second Presbytery of Philadelphia, relative to the installation of Mr. Duffield, were taken up. The appeal, with the reasons of it, and all the documents in the case, were read. The parties were heard, and were then considered as withdrawn from the house. The roll was called to give the members an opportunity of expressing their opinion. After which, the final vote was taken, and the appeal and complaint were sustained.

The following resolution was then adopted as explanatory of the above decision, viz.:

That the appeal be sustained, and the acts of the Presbytery in relation to the call and installation of Mr. Duffield be and they hereby are reversed.—1835, p. 490.

b. In regard to the complaint of Mr. Dobbins against the session of the church of Augusta for receiving members suspended by the session of the church of Smyrna, the Assembly are of opinion that both sessions acted unconstitutionally, the session of Smyrna in suspending said members, and the session of Augusta in receiving them when suspended. Therefore,

Resolved, That the appeal on this complaint be and it is hereby sustained; and the members in question are hereby declared to be still members in good standing in the church of Smyrna, and the session of the church of Smyrna are hereby directed to dismiss said members, if they still desire it, that they may regularly connect themselves with the church of Augusta.—1824, p. 125.

III. THE DECISION MAY CONFIRM OR REVERSE IN PART.

15. Reversed in Part, on Ground of Irregularity.—Sustained in Part.

a. The Judicatory may not Inflict a New Sentence without New Trial.

Resolved, That the General Assembly, having heard and considered in detail the circumstances and merits of the appeal of Newton Hawes, are of the opinion that in the proceedings of the Synod of Genesee in the case, there appears to be nothing irregular or censurable until they come to their last decision, in which they pass a new and severe censure on the

appellant. In this particular, the Assembly judge that the proceedings of the Synod were not regular, inasmuch as they inflicted a new censure without a new and regular trial. Had the Synod contented themselves with approving the doings of the church of Warsaw, in declining to restore the appellant to their communion, and left him in the condition of a suspended member, they would have acted with entire regularity; but not pausing at this point, the Assembly consider them as acting on matters not regularly brought before them; and therefore resolved, that the sentence of the Synod, requiring the appellant to make a new and second confession, be reversed, and it is hereby reversed, and that the other part of their proceedings and decision be affirmed, and they are hereby affirmed. —1823, p. 79.

b. Nor Remove all Censure where they find Rebuke Deserved.

The Assembly having heard the complaint of the Presbytery of Carlisle against the Synod of Philadelphia in the case of William S. McDowell, with the facts and arguments offered both by the Presbytery and the Synod, judge that the Synod had a constitutional right to reverse the decision of the Presbytery in the case, either in whole or in part, as to them might seem proper; but that in the exercise of this right the Synod have not duly regarded the principles of discipline prescribed in the Constitution, inasmuch as it appears by their records that they have removed all censure from a man whom they declare to be deserving of rebuke, without directing that rebuke to be administered, and without receiving any evidence of his penitence.—1823, p. 81.

16. Reversed in Part, on the Ground that Irregularity of Proceeding does not Necessarily Invalidate.—1856, p. 517, O. S.

See under Form of Government, chap. xiii., sec. ii., 6, *a*. Reversed in part and confirmed in part, see below, sec. xiii., case of Josiah B. Andrews. —1824, p. 106.

17. Sustained in Part, Reversed in Part.—Minute in the Case.

a. Dr. Perkins, chairman of the Special Committee on Judicial Case No. 5, presented a report, which was adopted, and is as follows:

The Committee to whom was referred the judicial case originating in the session of the Seventh Presbyterian Church in Cincinnati, beg leave to report:

1. They find that said session tried certain parties upon five several charges, and found them guilty upon the first, second and fifth, and adjudged them worthy of serious admonition on the ground of the first and fifth, and suspension upon the second.

2. The Presbytery of Cincinnati deciding the case upon appeal, affirmed the decision of the session.

3. The Synod of Cincinnati also acting upon it under appeal, reversed the decision of the Presbytery and session.

4. Your Committee, after hearing all the testimony in the case, and all the parties thereto by their representatives; and after full and protracted consideration, while they find in the proceedings of the session and Presbytery no evidence of other than a kind and conscientious desire to do justice to all the parties concerned, respectfully recommend the following as the judgment of the Assembly in the case:

Resolved, 1. That the decision of the Synod reversing the action of the Presbytery and session upon the first and fifth charges be itself reversed,

and the session be instructed to administer the serious admonition of which they wisely judged the parties to be worthy.

Resolved, 2. That the decision of the Synod, reversing the action of the Presbytery and session upon the second charge, be sustained in part, on the ground that the suspension of the parties accused was too severe in the case, and that the session be recommended to revoke the suspension and admonish the parties.—1865, p. 550, O. S.

[On the final vote, those voting "*to sustain in part*" are counted with those voting simply to "*sustain.*" The result, however, is to modify the decision. See below.]

b. The order of the day was taken up, viz., Judicial Case, No. 3. The appeal and complaint of Rev. John Skinner, D. D., against a decision of the Presbytery of Lexington, declaring him guilty of libel and defamation, and a sentence of suspension from ministerial functions founded thereon. . . .

The question was then taken on Judicial Case, No. 3, viz., the appeal and complaint of John Skinner, D. D., against the Presbytery of Lexington, and the complaint of Rev. Mr. Calhoun against the same Presbytery; and the result was as follows, viz.: To sustain the appeal, 40; to sustain in part, 58; not to sustain, 66.

The Special Committee in the case of Rev. John Skinner, D. D., presented a report, which was adopted, and is as follows, viz.:

The appeal and complaint of the Rev. John Skinner, D. D., against the Presbytery of Lexington, is sustained *pro forma;* the sentence of the Presbytery is revoked, and the appellant restored to all the functions of the ministry of the gospel.

The complaint of the Rev. William Calhoun and others against the same Presbytery is dismissed.

While the Assembly do fully restore the appellant to the functions of the ministry, and take pleasure in recording that for about seven years he exhibited talents and zeal well adapted to edify the Church of God, and while they trust that he will hereafter show the same ability and fidelity in the Master's cause, they are constrained to express their deep concern at the uncharitable temper and litigiousness exhibited by him before the inferior judicatory, and their disapprobation of his course in printing and circulating his Lexington speech, pending his complaint to the Synod of Virginia.

Wherefore, he is hereby solemnly admonished in relation to these matters, and warned carefully to avoid them in future.

The Assembly regret, moreover, that they find no evidence that any of the parties have, at any stage of this unhappy controversy, resorted to the more private and fraternal methods of making peace among brethren, which are suggested in the word of God.

And the Assembly do now affectionately and solemnly enjoin on all concerned to cultivate a spirit of charity and forgiveness, to study the things that make for peace, and to seek by importunate prayer the influences of the Holy Spirit, that the wounds inflicted in the progress of this painful case may be healed, and the kingdom and glory of Christ may prevail in the region where these brethren are called to labor.—1848, pp. 26, 41 and 49, O. S.

18. The Decision censures the Irregular Excommunication of a Member, and Prescribes the Steps which should have been Taken.

Complaint of Rev. William Perkins, *et al.*, against the Synod of Illinois. The final vote was taken, with the following result, viz.: To sustain the

complaint, 38; to sustain in part, 43; not to sustain, 79. A Committee was appointed to bring in a minute, which was adopted, as follows, viz.:

The Committee appointed to bring in a minute in reference to Judicial Case, No. 1, report, first, the facts in the case. A communicant, by the name of Ambrose Stone, in the Irish Grove church, for a long time abstained from partaking of the communion of the Lord's Supper. He also, for a long time, ceased to worship God in his family. He repeatedly requested the session to *dissolve* his connection with the Church of Christ, assigning as the only reason for this course of conduct, that he believed he had never been born again, and that he had no love to Christ. The session did eventually comply with this request, and resolved that his connection with the church be dissolved.

This church was under the care of Sangamon Presbytery. The Presbytery upon reviewing the records of the session of Irish Grove church, considered this a case of excommunication, and declared the action of the session not only unconstitutional, but also null and void, and that Mr. Stone was still a member of the Irish Grove church. The moderator and elder from that session claimed the right to vote in this disapproval of their records, which was refused by Presbytery. The session then complained to the Synod of Illinois of the whole action of the Presbytery in the case. The Synod sustained and approved the action of the Presbytery.

The case was then brought before the General Assembly by the Irish Grove church session, in the form of a complaint against the Synod of Illinois, because it sustained the action of the Presbytery. The Assembly having fully heard the parties in the case, adopted the following resolutions, viz.:

Resolved, 1. That no church session has authority to dissolve the connection of a communicant with the Church of Christ, except by excommunication, and that the sessions of our Church are bound to proceed according to the directions given in our Book of Discipline, when they do excommunicate a member. The Assembly does, therefore, condemn the action of the Irish Grove session in dissolving the connection of Mr. Stone with the Church of Christ, in the manner in which it did, as irregular and unconstitutional.

Resolved, 2. That the Presbytery of Sangamon acted correctly in not permitting the members of the Irish Grove session to vote for approving or disapproving their own records; that the Presbytery acted correctly in declaring the action of the session, in Mr. Stone's case, to be irregular and unconstitutional; and that then the Presbytery, without proceeding further, ought to have required the session to review and correct its proceedings, in this case, according to the directions given in our Book of Discipline.

Resolved, 3. That the Synod ought to have directed the Presbytery to require the session to review and correct its proceedings, according to the directions given in our Book of Discipline.—1851, p. 33, O. S.

19. The Decision finds Error in the Courts Below.—A Presbytery may not Unduly Direct and Control a Session, Synod may not Refuse an Appeal from a Party Aggrieved.

This General Assembly sustains the appeal and complaint of Robert S. Finley and Smith Bloomfield, against the Synod of New Jersey.

In this decision, it is not intended to censure the courts below for want of zeal and faithfulness in doing according to their best judgment what the case required. Much less is it intended to reverse, in form, what has been done in the case of Mr. Finley, so as to restore him to his pastoral

relation, in the Second Church of Woodbridge; for this would be not only impracticable, in the circumstances, as they now exist, but inexpedient, even if it were practicable.

But the Presbytery of Elizabethtown erred in attempting too much to direct and control the action of that session, interfering without being called to do so, according to the forms of our Constitution; in arresting the process of discipline, before it had been issued, while the session were pursuing it in an orderly manner; and in dissolving the pastoral relation upon a mere presumption of a majority of the people desiring it, without the regular application of either party; thus making what they judged a necessity in the case, of more importance than the forms of the Constitution.

The Synod of New Jersey erred, not only in sustaining the action of the Presbytery in this case, but also in refusing to entertain as an appeal the remedy sought by a party, who was both injured and aggrieved by said action of the Presbytery.—1858, p. 300, O. S.

IV. THE DECISION MAY REMIT THE CASE TO THE LOWER COURT.

20. It may Remand the Cause for Reconsideration.

The business left unfinished yesterday, viz., the consideration of the appeal of Mr. Todd from the decision of the Synod of Kentucky, affirming a decision of the Presbytery of Transylvania, by which decision Mr. Todd was deposed from the gospel ministry [was taken up], and after considerable discussion of the subject of the appeal, the following resolution was adopted, viz.:

The Assembly having heard the documents in this case, were of opinion that the way is not clear at present for a reversal of the sentence of suspension; but as it appears to the Assembly that Mr. Todd's opinions have not been perfectly understood, and whereas, there appears to have been some irregularity as to the nature of the testimony admitted on the trial before the Presbytery; therefore,

Resolved, That the Presbytery of Transylvania be directed to reconsider the case of Mr. Todd, to afford him another opportunity of explaining himself, and if they should be satisfied, to restore him to his former standing.—1817, p. 666.

See Discipline, chap. iv., sec. vii., case of J. H. Spillman *vs.* Synod of Kentucky.—1860, p. 45, O. S.

21. Judgment Reversed and Case Remitted on Grounds Stated.

On the complaint of William H. Beecher and others against the Synod of Genesee, in the case of the appeal of Dr. Frank from the decision of the Presbytery of Genesee, the General Assembly sustain the complaint and reverse the judgment of the Synod on the following grounds, viz.:

1. That the merits of the case seem to be expressly declined by the Synod as the subject-matter of adjudication.

2. That the Synod appear not to have adhered to the alternatives prescribed by the Constitution. See Book of Discipline, chap. vii., sec. iii., sub-sec. x.

3. That the Synod seem to have forgotten the nature and the limits of their appellate, as distinguished from the original jurisdiction in the case, in that they censure at their bar the appellant, in a way competent, in any circumstances, only to the session of the church to which the appellant was primarily amenable.

4. That they seem to have forgotten also, in restoring the appellant,

that some expression of repentance ought to have been exacted, especially if their reprimand could, from any tribunal, have been deserved.

The Assembly therefore rule that the Synod of Genesee should review their proceedings in this case, and regarding alike the rules of the Constitution and the merits of the case, that they proceed to issue the same with equity and wisdom.—1840, p. 11, N. S.

22. Referred back to the Court below with Instructions.

Whereas, It appears that the decision of the Synod of Missouri, in the case of the complaint of Franklin Knox, has been recorded in resolutions which set forth, not the reasons for the decision in the case, but which are, in fact, a compromise; which also admit that, at most, there is a strong presumption of guilt, but not evidence, agreeably to the Constitution, sufficient to convict; therefore,

Resolved, That the complaint of Franklin Knox against the Synod of Missouri be referred back to the lower judicatory, and that the Synod be and hereby is instructed to reconsider said resolutions, and record their decision agreeably to the evidence and the principles of justice recognized in our Constitution.—1852, p. 173, N. S.

23. The Decision details the Irregularity of the Courts below.

The consideration of the report of the Committee appointed to prepare a minute on the subject of Mr. Craighead's appeal from a decision of the Synod of Kentucky, suspending him from the gospel ministry on certain charges of heresy, founded on a sermon preached before the Synod, was resumed, and after some discussion, the report was adopted, and is as follows, viz.:

1. The General Assembly are of opinion that the conduct of Mr. Craighead in preaching such a sermon, and in such circumstances, before the Synod of Kentucky, especially as he had been suspected by his brethren of holding erroneous opinions, was highly reprehensible.

2. The General Assembly approve the conduct of the Synod in relation to this matter. While they were firm and zealous in maintaining what they believed to be truth, they were to an uncommon degree, respectful and affectionate in their manner of dealing with Mr. Craighead. As the sermon was delivered in their hearing, believing, as they did, that it contained dangerous error, they were bound to take notice of it and express their opinion to the preacher.

3. But they cannot approve the conduct of Mr. Craighead when before the Synod. He indeed manifested a lofty and independent spirit, that would not be controlled by authority, and there was not exhibited a due respect for the Synod as an acknowledged judicatory of the Church of Christ. His conduct was not respectful and conciliatory—which certainly was a return that their tenderness to him called for—but it was that of a bold and confident controvertist, who sets his opponents at defiance.

4. The publication of this sermon and defence by Mr. Craighead, after he had been so earnestly entreated by the Synod "not to offend against the doctrines of the Confession and the feelings of his Christian brethren," was even more reprehensible, as far as evidence is before us, than the first preaching of it.

5. The Presbytery of Transylvania, to which Mr. Craighead belonged, in the faithful discharge of their duty, could not have connived at such conduct. They acted properly, therefore, in calling upon Mr. Craighead to answer for this publication. Indeed, they deserve much commendation for their watchfulness, zeal and firmness in promptly meeting an evil which

threatened greatly to injure the welfare of the Church. And when it is considered that the man with whom they had to deal was distinguished for his learning and eloquence, reputable in his character and standing in society, and venerable for his age, it was a duty of no small difficulty and self-denial which they were called to perform. But they did not shrink from it. Therefore, whatever may have been their errors in the manner of conducting this business, or the errors of the Synod, it is the opinion of the General Assembly that they performed their duty in difficult circumstances, and that their whole proceedings were prompted by pure and conscientious motives.

6. It is not surprising that in a case so new and difficult some considerable errors in point of form should have occurred; the principal of these the General Assembly will now briefly point out.

a. There was a great deficiency in the charges preferred against Mr. Craighead as it relates to precision. All charges for heresy should be as definite as possible. The article, or articles of faith impugned, should be specified, and the words supposed to be heretical shown to be in repugnance to these articles, whether the reference is made directly to the Scriptures, as a standard of orthodoxy, or to the Confession of Faith, which our Church holds to be a summary of the doctrines of Scripture. But in none of the charges against Mr. Craighead is this done; and in two of them, third and fourth, it would be very difficult to say what articles of faith are supposed to be contravened in the errors charged on Mr. Craighead. And the last two charges appear to be so vague and indefinite as to be incapable of proof. In the fifth Mr. Craighead is charged with perverting, etc., the sentiments of the preachers and writers in our connection. Now, in our connection there are a multitude of preachers and writers differing by many shades of opinion from each other. How then can this be a just ground of accusation? In the sixth, he is charged with the false coloring of facts, etc. But no facts are established by evidence; none are specified in the charge; and to make it a just ground of accusation, it ought to have been a designed and malicious discoloring of the facts, etc.

b. In the progress of this case, the Presbytery proceeded regularly to cite the accused, once and again, and upon his not appearing, they proceeded to the trial, and having gone through the evidence, they referred the whole to the Synod to adjudicate upon it, with the expression of their own opinion, that Mr. Craighead ought to be suspended. The Synod met immediately after Presbytery and took up the case, and in concurrence with the opinion of the Presbytery, suspended Mr. Craighead from the gospel ministry.

c. In this proceeding, the General Assembly are of opinion, that there was too much haste. Mr. Craighead was not guilty of contumacy, for he wrote two letters to the Presbytery, excusing himself for non-attendance; and if he had been guilty of contumacy, he ought to have been suspended on that ground. Perhaps no man ought to be tried on charges preferred, and to be supported by evidence, who is not present, without his own consent. A trial, in the nature of things, cannot be impartial, when there is but one party heard. And in this case no injury would have been sustained by delay, for the Synod might have proceeded instantly to condemn the errors of Mr. Craighead's book, as the General Assembly did in the case of *The Gospel Plan* of W. C. Davis; the process against the author, however, did not commence till some time afterward. But, however this may be, the General Assembly think that the Synod were in too much haste. It was reasonable that Mr. Craighead should have been informed of this transfer of the cause to a higher tribunal.

d. There is only one other thing in the proceedings on which the General Assembly will remark, which is, that *statements* were given as evidence, by the members of Presbytery, which are not recorded, and which do not appear to have been given under the usual solemnity of an oath.—1824, pp. 120–122.

24. And Remits the Case with Instructions.

Resolved, That as the proceedings in the case of Mr. Craighead, have been, in many respects, irregular, and he has suffered much injury from the delay produced by these irregularities: And, whereas, also the charges are not so conclusively established as to remove all doubt, the General Assembly cannot see their way clear finally to confirm the sentence of the Synod of Kentucky, although they are of opinion, that Mr. Craighead has subjected himself, by preaching and printing this sermon, to just censure. But as Mr. Craighead has had no fair opportunity of vindicating himself, or of making satisfactory explanations or retractions, therefore,

Resolved, That the whole cause be transmitted to the Presbytery of West Tennessee, in the bounds of which Mr. Craighead resides; and that they be directed to give him an early opportunity of offering that satisfaction which the Church expects, for the offence received; and that upon receiving such explanations or retractions as to them shall be satisfactory, Mr. Craighead be restored to the gospel ministry from which he had been suspended.—1824, p. 124.

Mr. Craighead Restored.

Mr. Craighead was restored to the ministry by the Presbytery of West Tennessee, but died before the next meeting of the General Assembly.

25. A like Decision.

The Committee to prepare a minute expressive of the sense of the Assembly in sustaining the complaint of Rev. J. A. Smylie against the Synod of Mississippi, submitted the following, which was adopted, viz.:

1. That the decision of this Assembly in sustaining the complaint of Rev. Mr. Smylie against the Synod of Mississippi, is not to be regarded as deciding the merits of the original question, that is, the guilt or innocence of the individual in respect to whom this case originated.

2. That the Presbytery of Louisiana should have recorded the results of the interlocutory meeting referred to in the complaint.

3. That the Synod acted unconstitutionally in permitting the Presbytery of Louisiana to vote on the adoption of the report of the Judicial Committee on the complaint of Rev. Mr. Smylie.

4. That the Synod should have placed on its records the above-mentioned report.

5. That the Presbytery of Louisiana erred in pleading the limitation of time for their noncompliance with the resolution of the Synod, referring this whole case to them for a full investigation.

6. That the case be remanded to the Presbytery of Louisiana, according to the resolution of the Synod, for such action as is demanded by the Book of Discipline.

7. That the decision of the Assembly, together with the foregoing minute, be recorded in the Minutes of the Synod of Mississippi and of the Presbytery of Louisiana.—1850, p. 481, O. S.

26. Referred back by Consent of Parties.

Judicial business No. 9, reported by the Judicial Committee, viz.: the complaint of Alexander M. Cowan against the Synod of Utica, was taken up and the complaint read, when, with the consent of Mr. Cowan and the members of the Synod present, it was

Resolved, That the subject be referred back to the Synod of Utica; and they are hereby directed to issue the case as referred to them by the Presbytery of Otsego.—1834, p. 434.

27. Referred back on Account of Irregularities.

The unfinished business on Judicial Case No. 4 was resumed, and after further discussion, the previous question was moved by Judge Ewing and sustained. The vote was then taken, on the motion of Drs. Edwards and Imbrie, which was adopted, as follows:

Resolved, That the case be returned to the Synod for a new trial, if a new trial be required.

1st. Because it appears from the record of the Synod that the original parties in the case were never heard by them; the original parties, in the judgment of the Assembly, being Mr. Wm. B. Guild, and the Committee prosecuting for common fame.

2d. Because the reasons for the decision of the Synod were not recorded according to the requisition in chap. iv., sec. xxiii., Book of Discipline.—1861, p. 344, O. S.

28. Discretion of a Court is not Subject to Review.

They had the right to send the case back to the Presbytery or to review the whole of it, according to their discretion. It is not for this court to decide which would have been the wiser course. The Synod judged it best to review the whole case, and their discretion is not a matter of review by this body.—1864, p. 475. N. S.

29. Remitted on the Recommendation of the Judicial Committee.

a. Also, Judicial Case No. 2. A complaint of Christian Kern and others of the First Presbyterian Church of New Orleans.

The Committee recommend, that it be again referred to the Presbytery of New Orleans, with the injunction that the complainants be allowed a hearing.

Adopted.—1871, p. 547.

b. The Judicial Committee reported in part—Case No. 2—an appeal of the Rev. Francis M. Dimmick, from the Presbytery of Missouri River, recommending that the papers in the case be returned to the parties presenting them, that they may be adjudicated by the Synod of Iowa, South.

The recommendation was adopted.—1872, p. 50.

c. The Judicial Committee reported No. 4, a complaint of the Rev. Christian Kern, against the Presbytery of New Orleans. The Committee recommend that the complainant be referred to his Synod for redress.

The report was adopted.—1872, p. 84.

30. In Passing Judgment a Judicatory may not Open a Case already Settled.

Judicial Case, No. 11, is the appeal of Dr. Thomas F. Worrell against the Synod of Illinois, together with the complaint of the Rev. Isaac A. Cornelison against the same Synod.

The Committee report that the appeal and complaint relate to the same matter, and they recommend that they be tried together as one cause.

The papers are in order, and the case is ready for trial.

The Committee find, further, that the Synod, in a minute expressing its judgment in a case then pending, to which Dr. Worrell was a party, adopted the following as a part of their judgment: "And, further, inasmuch as this trial grew out of a previous one with Dr. Worrell, in which the adjustment partook of the nature of a compromise, and certain irregularities which are not constitutional; and as the ends of discipline were not accomplished in the case of Dr. Worrell, the session of that church should review their proceedings in his case." This part of the minutes is the subject-matter of the appeal and complaint. In the judgment of the Committee, it was not competent for the Synod, when judicially determining one case, to open another case already settled and determined; this last case having been adjusted two years before, and the record of the adjustment having already passed before Synod, by way of review and control. The Committee, therefore, recommend that the appeal of Dr. Worrell be sustained. The complaint of Mr. Cornelison being to the same effect, is determined by this judgment on the appeal.—1863, p. 67, O. S.

31. The Decision Sustains the Lower Court in part, but one Restored by Judicial Action can be Deprived again only by New Process and Conviction.

The business left unfinished on Saturday was resumed, viz.: the appeal of the Presbytery of Onondaga, from a decision of the Synod of Geneva, relative to the restoration of the Rev. John Shepherd to the gospel ministry, who has been deposed by the Association of Fairfield, Connecticut. After considerable discussion on the subject, the following resolutions were adopted, viz.:

Resolved, That the decision of the Synod of Geneva relative to the restoration of the Rev. John Shepherd to the office of the gospel ministry, so far as it censures the restoration of said Shepherd, who was deposed by a judicatory of the Church of Christ in fellowship with us, be and hereby is confirmed; because it did not appear from the records of the Presbytery of Onondaga, that said restoration took place in consequence of any confession of the alleged crime for which the said Shepherd was deposed, or of any profession of penitence for it, or of any conference with the judicatory which deposed him.

2. That the appeal of the Presbytery of Onondaga, so far as it relates to the rescinding of their vote to restore the Rev. John Shepherd, be and hereby is sustained, on the second reason of appeal, and upon that alone; because the Assembly judges, that a minister of the gospel, when once restored by presbyterial authority, cannot be deprived of his office, except it be by a new process and conviction.—1818, p. 687.

32. The Decision Reverses all the Courts below and Restores the Appellant.

The Assembly took up the appeal of Dr. John Rollins from a decision of the Synod of West Tennessee, affirming a decision of the Presbytery of Mississippi, affirming a decision of the session of the First Church of New Orleans, by which he had been excluded from the privileges of the church.

Dr. McAuley was appointed to manage the cause of the appellant.

The sentence of the Synod appealed from, the reasons on record which were assigned by the appellant for his appeal, and the whole record of the proceedings of the inferior judicatories in the case, including all the testimony and the reasons of their decision, were read.

Dr. McAuley was then heard in support of the appeal. Only one member of the Synod was present, and he declined saying anything. The parties then withdrew. And the roll was called in part to give the members an opportunity to express their opinion.

The Assembly resumed the appeal of Dr. Rollins. The remainder of the roll was called. After which the final vote was taken, when the appeal was sustained, and the decision of the Synod was reversed, and Dr. Rollins was restored to the privileges of the church.—1830, p. 307.

33. The Decision Declares and Decides the Several Issues Involved.

The Committee appointed to express the judgment of this Assembly on the memorial and complaint of the session of the Fifth Church of Philadelphia, recommended the adoption of the following resolutions, which were accordingly adopted, viz.:

1. Inasmuch as the act of the Synod of Philadelphia, uniting the Second Presbytery of Philadelphia to the Presbytery of Philadelphia, was in contravention of the act of the General Assembly passed in 1832, by which that Presbytery was erected, and inasmuch as the act of the Synod aforesaid, by an appeal, was to be reviewed and acted on, by the next General Assembly; therefore,

Resolved, That the complainants of the Fifth Church erred in changing their presbyterial relation, and uniting with the Second Presbytery of Philadelphia Synodical.

2. While Presbyteries have the right, according to the Constitution, to visit the churches under their care, to take measures to correct any evils that may exist in them, nevertheless, as in this case, the session presented no request, and there was no apprehension that the pulpit would not be supplied, the Assembly think the Second Presbytery erred in insisting on the right to supply the pulpit of the Fifth Church under the then existing state.

3. As the majority of the session felt themselves constrained to leave their house of worship, and were accompanied by a large number of the communicants, and as they had a show of reason for applying to the Second Presbytery Synodical, by the act of the Synod of Philadelphia forming that Presbytery, the decision of the Second Presbytery in declaring the four elders no longer elders of the Fifth Church under their care, if designed to affect either their character or their standing, is hereby declared to be void.

4. In the opinion of this Assembly, the entire Fifth Church is under the care of the Second Presbytery of Philadelphia, and it is hereby declared to be an integral part of it.—1834, p. 452.

[For resolution 5, see Form of Government, chap. xiii., sec. vii., 2.]

34. The Decision Restores the Status in quo.

The unfinished business of the morning was resumed, viz.: The appeal and complaint of Thomas Bradford, Esq., and others, against a decision of the Second Presbytery of Philadelphia, dividing the Fifth Presbyterian Church in Philadelphia into two churches.

The calling of the roll was finished, when the final vote was taken.

The question was put, "Shall the appeal and complaint be sustained?" and was carried in the affirmative.

Whereupon it is ordered and decreed by this General Assembly, that the act and decision of the Second Presbytery of Philadelphia, which divides the Fifth Presbyterian Church of the city of Philadelphia into two distinct churches, be and the same is hereby reversed; and the said Presbytery is hereby directed to restore to the session of said church the book of minutes of said session.—1835, p. 478.

XI. If an appellant, after entering his appeal to a superior judicatory, fail to prosecute it, it shall be considered as abandoned, and the sentence appealed from shall be final. And an appellant shall be considered as abandoning his appeal, if he do not appear before the judicatory appealed to, on the first or second day of its meeting, next ensuing the date of his notice of appeal: except in cases in which the appellant can make it appear that he was prevented from seasonably prosecuting his appeal by the providence of God.

1. Case of the Application of the Rule.

On motion, *Resolved*, That in case of an appeal or complaint entered in an inferior judicatory to a superior, if the appellant or appellants do not appear at the first meeting of the superior judicatory, protest may be admitted, at the instance of the respondents, at the last session of such meeting, that the appeal is fallen from, and the sentence so appealed from shall be considered as final.—1794, p. 39. See 1791, p. 45.

a. A Case of Thomas B. Craighead.

The Committee to which was referred the letter and appeal of the Rev. Thomas B. Craighead, reported that, after having carefully attended to the duty assigned them, they did not discover any sufficient reason why he has not come forward to prosecute his appeal before the Assembly, nor why his case should not now be brought to issue; and therefore recommend that the representation from the Synod of Kentucky be permitted, if so disposed, to enter their protest in proper time against a future prosecution of his appeal, and thus give effect to a standing order of the General Assembly, that the sentence of the Synod be considered as final.

Resolved, That the foregoing report be accepted, and that Mr. Craighead be furnished with an attested copy of this decision in his case.

The members of the Synod of Kentucky brought forward their protest, which being read, was accepted, and is as follows:

The Rev. Thomas B. Craighead having appealed to the General Assembly from a decision of the Synod of Kentucky, made in the month of October last, by which decision the said Synod directed the Presbytery of Transylvania to depose the said Thomas B. Craighead from the gospel ministry, which was done accordingly, and whereas the said Mr. Craighead has not prosecuted his appeal to the General Assembly, and the subscribers, members of the Synod of Kentucky, have waited till the last day of the sessions of the Assembly, to afford opportunity for the prosecution of said appeal; we do, therefore, now protest, in our own name, and on behalf of the Synod of Kentucky, against the future prosecution of said appeal, and

declare the sentence of the Synod to be final, agreeably to a standing order of the General Assembly. Signed, JAMES HOGE,
M. G. WALLCE,
J. P. CAMPBELL.
—1811, p. 481.

[See below, under secs. xi., xv.]

b. From the records of the Synod of Kentucky, it appeared that Guernsey G. Brown had appealed from a decision of that body in his case to the General Assembly. As Mr. Brown has not appeared to prosecute his appeal, and the commissioners from the Synod of Kentucky required that his absence may, according to a rule of the Assembly on the subject, preclude him from a future hearing; therefore, *Resolved*, That Guernsey G. Brown be considered as precluded from prosecuting his appeal.—1821, p. 30.

c. The appeal of Benedict Hobbs from a decision of the Synod of Kentucky was taken up, and the appellant not being present to prosecute his appeal, it was dismissed, and the sentence of the inferior court affirmed.

d. The appeal of Chloe G. Giles, from a decision of the Synod of Utica, was taken up, and the appellant not being present to prosecute her appeal, it was dismissed, and the sentence of the inferior court affirmed.—1834, p. 452.

Judicial Case, No. 2. An appeal of Mr. Thomas Davis from a decision of the Synod of Memphis. The committee recommended the following action in this case, viz.: *Whereas*, Mr. Thomas Davis has failed to appear before this Assembly, to prosecute his appeal from the Synod of Memphis; therefore,

Resolved, In accordance with the rule of the Book of Discipline, in this case provided, that his appeal be dismissed from the further attention of this body.—1852, p. 212, O. S.

[See 1861, p. 304, O. S., and *passim*.]

2. Personal Attendance of the Appellant is not Necessary.

Personal attendance on the superior judicatory is not essential to the regular prosecution of an appeal.—1822, p. 53.

3. The Appeal may be Prosecuted by Proxy.

a. The complaint of Rev. Henry Davis against a decision of the Synod of Utica, was taken up, and dismissed on the ground that the complainant has not appeared to prosecute his complaint, nor any other person in his behalf.—1834, p. 454.

b. The complaints of Rev. G. Duffield and W. R. de Witt were dismissed on the ground that neither the complainants themselves, nor any person on their behalf, are present to prosecute those complaints.—1835, p. 490; 1864, p. 313, O. S.; 1865, p. 535, O. S.

4. In the Absence of the Appellant the Court assigns Counsel.

a. The Judicial Committee brought before the Assembly an appeal of Mr. Newton Hawes from a decision of the Synod of Genesee, affirming his suspension from the ordinances of the church, which suspension had been determined by the church of Warsaw. Mr. Hawes not being present, Dr. Janeway and Mr. Phillips were appointed to defend and support his appeal.—1823, p. 72.

b. The Assembly took up the complaint against the Synod of Virginia by the Rev. Samuel Houston, and Rev. Samuel B. Wilson, reported by the Judicial Committee. The complainants did not appear, but a written

communication, containing the reasons of their complaint, was laid before the Assembly. At the request of the complainants, Mr. Weed was appointed to manage their cause in their absence.—1827, p. 210.

5. In the Absence of Complainant Complaint Dismissed and Defendant Sustained.

The Judicial Committee report Judicial Case, No. 3, being the complaint of E. N. Sawyer and others, against the decision of the Synod of Chicago, in the case of O. M. Hoagland, as being fallen from by the failure of the complainants to appear and prosecute their complaint. They, therefore, recommend that the complaint be dismissed, and that Mr. Hoagland be considered as entitled to all his former rights and privileges in the church of Hopewell.—1858, p. 276, O. S.

6. Case Continued on Satisfactory Reasons given.

a. The Judicial Committee reported an appeal by Mr. James Taylor, from a decision of the Synod of Pittsburg, and that the communication of Mr. Taylor gave information that by reason of ill health he was unable to attend to prosecute his appeal before the present Assembly.

Resolved, That Mr. Taylor have leave to prosecute his appeal before the next General Assembly.—1827, p. 211.

b. A complaint of Wm. M. Lively against a decision of the Synod of New York. Mr. Lively being unable, through sickness in his family, to attend at this time and prosecute his complaint, the Committee recommend, that agreeably to his request, his complaint be referred to the next General Assembly. This report was adopted.—1851, p. 19, O. S.

c. An appeal of Rev. M. Davis, from a decision of the Synod of Memphis, deposing him from the office of the holy ministry. The appellant being unable, by reason of ill health, to attend the sessions of the present Assembly, and desiring, in consequence, the continuance of his cause until the next General Assembly. The report was adopted.—1851, p. 19, O. S.

7. Where the Case is Continued at the Request of the Appellant, the Sentence Remains in Full Force until the Case is Issued.

The Judicial Committee reported that a paper had been put into their hands, purporting to be a request from Mr. C. H. Baldwin, to the moderator of the Assembly, that his appeal from a decision of the Synod of Genesee be continued to the next General Assembly, and offering reasons for his failure to appear and prosecute it. It appears from the Form of Discipline, chap. vii., sec. iii., article xi., that his case is regularly before us for reference to the next General Assembly, if his excuse for now failing to appear shall be deemed sufficient.

The Committee recommend that the Assembly, in view of the reasons offered, and out of a desire to grant the appellant every reasonable indulgence, continue his case agreeably to his request; it being understood that the sentence of the Presbytery remain in full force against him till the case be finally issued, in accordance with the provisions of our Form of Discipline, chap. vii., sec. iii., article xv.

The report was adopted.—1858, p. 580, N. S.

8. Dismissed in Absence of Appellant, with Privilege of Renewal.

a. The appeal of Dr. James Snodgrass against a decision of the Synod of Pittsburg was called up, and the appeal was dismissed on the ground

that the appellant has not appeared, either in person or by proxy, to prosecute said appeal.

The Assembly, however, give to Dr. Snodgrass the privilege of prosecuting his appeal before the next General Assembly, if he can then show sufficient cause for its further prosecution.—1832, p. 376.

b. In regard to a future prosecution of his appeal, the appellant must present his case, with reasons for previous failure, before the next General Assembly, whose province it will then be to decide upon the whole subject.—1850, p. 463, O. S.

9. **Where an Appeal has been Dismissed in Error, the Assembly grant a Restoration after a long Interval, when Satisfied of the Error.**

The business left unfinished in the morning, viz.: the consideration of the report of the Committee to which had been referred the Rev. T. B. Craighead's letter, was resumed, and the report was adopted, and is as follows, viz.:

In the year 1811, an appeal from a decision of the Synod of Kentucky, by T. B. Craighead, accompanied by a letter from the same, was laid before the General Assembly. But Mr. Craighead not appearing in person, to prosecute his appeal, permission was given by the Assembly, on the last day of their sessions, to the members of the Synod of Kentucky, who were present, to enter a protest against the prosecution of the aforesaid appeal, at any future time. This was supposed to be required by a standing rule of the Assembly. The appeal of Mr. Craighead was therefore not heard, and the sentence of the Synod of Kentucky was rendered final.

It moreover appears, that the General Assembly of the year aforesaid, having adopted the protest of the members of the Synod of Kentucky as their own act, did declare that Mr. Craighead had been deposed, whereas, the decision of the Synod was suspension; and, although the Synod did direct the Presbytery to which Mr. Craighead belonged, to depose him, if he did not, at their next stated meeting, retract his errors; yet this sentence could not have been constitutionally inflicted, because Mr. Craighead appealed from the decision of Synod, the effect of which was to arrest all further proceedings in the case, until the appeal should be tried; therefore the sentence of the Assembly declaring Mr. Craighead deposed, does not accord with the sentence of the Synod, which was suspension.

From the above history of facts, your Committee, while they entirely dissent from many of the opinions contained in Mr. Craighead's letter, and consider its publication before it was presented to the Assembly indecorous and improper, are of opinion, that he has just ground of complaint in regard to the proceedings of the General Assembly of 1811 in his case, and that the construction put on the standing rule of the Assembly was not correct; for personal attendance on the superior judicatory is not essential to the regular prosecution of an appeal. Moreover, the sentence of the Assembly, being founded in error, ought to be considered null and void, and Mr. Craighead ought to be considered as placed in the same situation as before the decision took place, and as possessing the right to prosecute his appeal before this judicatory.

Ordered, that the stated clerk forward to Mr. Craighead a copy of the foregoing minute.—1822, p. 52.

XII. Members of judicatories appealed from, cannot be allowed to vote in the superior judicatory, on any question connected with the appeal.

1. The Moderator, being a Member of the Court Appealed from, will not Sit.

a. Resolved, That no minister belonging to the Synod of Philadelphia, nor elder who was a member of the judicature when the vote appealed from took place, shall vote in the decision thereof by this Assembly.

The moderator, being a member of the Synod of Philadelphia, withdrew, and Dr. McKnight took the chair.—1792, p. 56.

b. The appeal of Mr. Pope Bushnell was resumed. The moderator being a member of the Synod appealed from, Mr. Jennings, the last moderator present, took the chair.—1826, p. 184.

c. Judicial Case No. 1 was taken up. The moderator being a party in the case, vacated the chair, and on motion, Dr. Krebs was requested to act as moderator during the trial of the case.—1866, p. 48, O. S.

d. The moderator, on the ground of his being a member of the Synod complained of, voluntarily relinquished the chair, while this case should be pending.—1852, p. 164, N. S.

2. An Interested Party should not Sit on a Trial.

The records of the Synod of Genesee were, on recommendation of the Committee, approved, with the following exception: Of a decision of the moderator, recorded on page 151, that a member of a Synod, who might be interested in a case under trial, cannot be challenged; which decision is unconstitutional, and ought to be reversed by that Synod.—1846, p. 20, N. S.

3. Members of the Court Appealed from may not Vote.

The Synod of Mississippi acted unconstitutionally in permitting the Presbytery of Louisiana to vote on the adoption of the report of the Judicial Committee on the complaint of Rev. Mr. Smylie.—1850, p. 481, O. S.

4. The Rule applied to Review of Records.

The moderator and elder from the session of Irish Grove claimed the right to vote on the disapproval of their records; which was refused by Presbytery. The session complained. The Assembly *inter alia* decide—

That the Presbytery of Sangamon acted correctly in not permitting the members of Irish Grove session to vote for approving or disapproving their own records.—1851, p. 33, O. S.

[See in full, under vii., iii., x., above.]

5. Members of a Court Appealed from may Speak on Postponement.

Appeal and complaint of R. S. Finley, etc., against the Synod of New Jersey.

A motion was made by James Hoge to postpone the trial of this cause to the next General Assembly.

This motion was discussed at length; the moderator deciding, in the course of the discussion, that the members of the Synod of New Jersey might speak on such a motion.—1858, p. 291, O. S.

6. An Elder belonging to the Judicatory Appealed from, though not a Member of the Court when the Case was Issued, may not Sit.

A question was raised by Mr. Cunningham, an elder from the Synod of Philadelphia, who was not a member of Synod at the meeting at which the case of Mr. Barnes was tried and issued, whether he has a right to vote in this case in the Assembly. After some discussion, the moderator decided that Mr. Cunningham, and any other members of the Assembly from that Synod similarly situated, have a right to vote in the Assembly. From this decision of the moderator an appeal was taken, when, by a vote of the Assembly, the decision of the moderator was not sustained, and it was decided that Mr. Cunningham, and others similarly situated, have no right to vote on the case in the Assembly.—1836, p. 265.

7. Ministers who have been Dismissed to other Bodies before the Action Complained of are not Excluded.

A motion was made that Dr. Skinner and Mr. Dashiell, who, at the time the trial was commenced in the Second Presbytery of Philadelphia, were either not dismissed from that body, or had not yet connected themselves with any other, though they did not meet with the Presbytery, and before the meeting of the Synod were members of other Presbyteries, should not sit in judgment in the case of Mr. Barnes. This motion was decided in the negative.—1836, p. 266.

8. A Case is Remanded where Members of the Judicatory Appealed from Act in their own Case.

Second and third. Cases of Mr. Jefferson Ramsey and Rev. Andrew B. Cross *vs.* the Synod of Baltimore.

The persons named appeal from a decision of the Synod, by which a complaint of Mr. Ramsey against the Presbytery of New Castle, and one of Mr. Cross against the Presbytery of Baltimore, were dismissed as having no ground, on report of the Judicial Committee of the Synod.

Your Committee learn from the records of the Synod that one clergyman and one layman respectively from each of these Presbyteries were members of the Judicial Committee: that the moderator of the Synod was a member of the Presbytery of New Castle, and the moderator, *pro tem.*, who was in the chair at the time of the action complained of, was a member of the Presbytery of Baltimore; that the case was not stated in any form to the Synod, but when the Judicial Committee reported, in each case, that there was no ground of complaint, their report was adopted under the call for the previous question. From all these facts, the Committee are of opinion that the cases should be readjudicated by the Synod of Baltimore, and so recommend to the Assembly.

Adopted.—1873, p. 508.

XIII. If the members of the inferior judicatory, in case of a sentence appealed from, appear to have acted according to the best of their judgment, and with good intention, they incur no censure, although their sentence be reversed. Yet, if they appear to have acted irregularly or corruptly, they shall be censured as the case may require.

1. A Case of Censure.

The Committee appointed to prepare a minute to be adopted by the Assembly, in relation to the appeal and complaint of the Rev. Josiah B. Andrews, against a decision of the Synod of New Jersey affirming a decision of the Presbytery of Jersey, by which Mr. Andrews was admonished, reported, and their report being read, was adopted, and is as follows, viz.:

The General Assembly, after maturely and prayerfully considering the appeal and complaint of the Rev. Josiah B. Andrews, from a sentence of the Synod of New Jersey, adopted the following minute, viz:

While in the opinion of this Assembly, the Presbytery of Jersey in originating, conducting and issuing this prosecution, do not appear to have exercised that cautious regard to the provisions of the Constitution, in cases of process, which are so efficient in matters of discipline, and while they deem this applicable to the proceedings of the Presbytery in relation to both the parties, *Resolved*,

First, That the sentence of the Presbytery and Synod so far as it censures the Rev. Josiah B. Andrews, for an imprudence of conduct and a want of tenderness toward the reputation of certain members of the church in Perth Amboy, be affirmed and it hereby is affirmed.

Second, That the sentence of the Presbytery and Synod, censuring the Rev. Josiah B. Andrews for "a very reprehensible degree of equivocation," be reversed, and it hereby is reversed.—1824, p. 106.

XIV. If an appellant is found to manifest a litigious or other unchristian spirit in the prosecution of his appeal, he shall be censured according to the degree of his offence.

XV. The necessary operation of an appeal is to suspend all further proceedings on the ground of the sentence appealed from. But if a sentence of suspension, or excommunication from church privileges, or of deposition from office, be the sentence appealed from, it shall be considered as in force until the appeal shall be issued.

See above, sec. x.

1. An Appeal Arrests all Process until it be Issued.

It moreover appears, that the General Assembly of the year aforesaid having adopted the protest of the members of the Synod of Kentucky as their own act, did declare that Mr. Craighead had been deposed, whereas, the decision of the Synod was suspension; and although the Synod did direct the Presbytery to which Mr. Craighead belonged, to depose him, if he did not, at their next stated meeting, retract his errors; yet this sentence could not have been constitutionally inflicted, because Mr. Craighead appealed from the decision of Synod; the effect of which was to arrest all further proceedings in the case until the appeal should be tried; therefore, the sentence of the Assembly declaring Mr. Craighead deposed, does not accord with the sentence of the Synod, which was suspension.—1822, p. 52.

See above under sec. xi. Case of C. H. Baldwin, 1858, page 580, N. S.

2. Suspension is Continued until the Issue of the Appeal, which must be at the next Meeting of the Court above.

Overture No. 12. T. F. Worrell requested the Assembly to answer the following question, viz., Whether, when a person is suspended from the

church by a session, and restored by the Presbytery, the notice of appeal by the session continues the person under suspension; and if so, how long can such suspension be continued without the appeal being issued?

The Committee recommend that the following answer be returned, viz.: That the notice of appeal does continue the person under suspension until the appeal is issued, which must be at the next meeting of the upper court.

The recommendation was adopted.—1862, p. 597, O. S.

3. An Appeal against Certain Action does not Debar the Court from Acting upon the continued disturbed State of a Church.

The question of a dissolution of the pastoral relation between Dr. McPheeters and the Pine St. Church was originally brought in an orderly manner before the Presbytery, by petition from a minority of said church, and a personal tender of resignation by the pastor, and after all the constitutional steps were taken with care and deliberation, was decided by the Presbytery, acting for the peace and welfare of the church.

That which was called an appeal and complaint to Synod from that action could not so suspend all further proceedings as to prevent the Presbytery from considering and acting upon the continued disturbed state of that congregation.—1864, p. 327, O. S.

See Form of Government, chap. x., sec. viii., xii.

XVI. It shall always be deemed the duty of the judicatory, whose judgment is appealed from, to send authentic copies of all their records, and of the whole testimony relating to the matter of the appeal. And if any judicatory shall neglect its duty in this respect; especially, if thereby an appellant, who has conducted with regularity on his part, is deprived of the privilege of having his appeal seasonably issued; such judicatory shall be censured according to the circumstances of the case.

1. Copies taken by the Appellant not Sufficient.—The Records or Authenticated Copies Required.

3. That by the "forms of processes," etc., Mr. Bourne ought to be "allowed copies of the whole proceedings" in his case; yet "the judicatory appealed from" is, by the same rules, "to send authentic copies of the whole process;" his copy, therefore, which he says was taken by himself, but is not shown to the Assembly, is not sufficient; his affidavit is not required by the course of proceeding in this body; and the three papers presented by him are not to be considered as the commencement of a cause, or the entry of an appeal in this judicatory. Nevertheless, Mr. Bourne shall not suffer any inconvenience which the Assembly can prevent on the account of any failures of the inferior judicatories, if a default should in future appear on their part, the evidence of such circumstance being not as yet made clear to this Assembly.—1816, p. 627.

2. On the Failure of the Judicatory to send up Authenticated Copies of the Testimony, the Appeal is Sustained.

The Committee appointed to prepare a minute on the decision of the Assembly sustaining the appeal of Mr. Pope Bushnell from a decision of

the Synod of New York, affirming the decree of the Presbytery of Hudson, by which the said Mr. Bushnell had been suspended from the privileges of the Church, made the following report, which was adopted, viz.:

That the appellant having given due notice that he did appeal, appeared regularly before the Assembly; and that while the Presbytery and Synod have sent up their records in the case, neither has forwarded to this Assembly an authentic copy of the testimony taken on the trial. The Assembly did therefore decide that Mr. Bushnell's appeal be and it hereby is sustained, so that he is restored to all his rights and privileges as a member of the Church of Christ.—1826, p. 187.

3. In the Absence of Papers Referred to in the Records, and of Attested Copies of the Charges, the Case Postponed.

The Judicial Committee reported No. 1, the complaint of James Russell against the Synod of Georgia.

It appears to the Committee that Mr. Russell has conducted his complaint in due form, but the Synod has failed to furnish the documents needful to its prosecution. The minutes of Synod are present, and complainant has furnished attested copies of minutes of Presbytery and of the testimony of witnesses examined. But we have still no attested copy of the charges which had been the basis of the original trial, nor of sundry papers referred to in the Presbytery's records, and which had been received as testimony. The Committee recommend to the Assembly the adoption of the following resolutions in the case:

Resolved, 1. That the Synod of Georgia be directed to send up to the next Assembly authenticated copies of all their records, and of the whole testimony relating to the matter of the complaint, together with their reasons for not sending up the papers to this Assembly, unless the case shall be previously adjusted.

Resolved, 2. That the papers received from complainant be returned to his own custody. Adopted.—1852, p. 212, O. S.

4. In the Absence of Records of a Presbytery, the Synod Censured and the Case Postponed.

Dr. Jacobus, from the Judicial Committee, reported judicial case No. 1, in reference to the complaint of Smiley Shepherd against the Synod of Illinois. The records of the Presbytery of Bloomington, necessarily involved in the case, being absent, the Committee recommend that the Synod be censured for neglecting to send up the records, and that the case be deferred for trial until the records appear.

The report was adopted.—1861, p. 304, O. S.

5. Where the Absence of Testimony is the Fault of the Court Complained of, the Case Dismissed and the Decision of the Lower Court Confirmed.

Dr. Howard, chairman of the Judicial Committee, reported judicial case No. 4, being the complaint of the Rev. J. G. Monfort, D. D., in behalf of the Presbytery of Cincinnati, against the action of the Synod of Cincinnati in a case in which the Rev. E. Slack complained of the action of the Presbytery of Cincinnati.

It appearing from the minutes of Presbytery that its judgment and action were correct upon the facts stated therein, and there being no showing of any other facts in the minute of Synod whereon to rest its action, and the absence of the papers (if there are any) being the fault of Synod,

your Committee, therefore, recommend that the proceedings be dismissed and the judgment of the Presbytery stand affirmed.

The report was accepted and adopted.—1867, p. 331, O. S.

XVII. An appeal shall in no case be entered, except by one of the original parties.

1. Original Parties only may Appeal, but Others may Complain.

a. The Judicial Committee reported a paper, signed by Dr. Cathcart and others, members of the Presbytery of Carlisle, purporting to be an appeal or complaint relative to a decision of the Synod of Philadelphia. The Committee gave it as their opinion that the subject could not be taken up on the ground of an appeal, because these persons were not one of the original parties, but that it might be taken up in the character of a complaint.—1823, p. 69.

b. Judicial Case No. 4 was then resumed—the complaint and appeal of the Presbytery of Passaic against the Synod of New Jersey. The usual charge of the moderator was made, and after the complaint and appeal had been read, it was, on motion of Judge Scates,

Resolved, That the Assembly cannot entertain this case as one of appeal, inasmuch as it has not been made by one of the original parties.

The case was then continued as a complaint.—1861, p. 344, O. S.

2. Who are Original Parties?—The Appellant and the Prosecutor.

a. [In the case of Mr. Barnes] Mr. Barnes was heard in support of his appeal. Dr. Junkin, the original prosecutor, was heard in support of the charges until he finished. The Synod was heard by their Committee in explanation of the grounds of their decision.—1836, p. 260, etc.

b. The appeal of W. J. Frazer against the Synod of Illinois. The sentence appealed from, the appellant's reasons for appealing and the records of the inferior courts were read. Mr. Frazer, the appellant, and Mr. James Stafford, his prosecutor, who were the original parties, were heard.—1840, p. 288, O. S.

c. Appeal and Complaint of Robert Finley and Smith Bloomfield against the Synod of New Jersey.

The parties in the case were then called, and R. J. Breckinridge was heard on behalf of Robert S. Finley.

A question arose when he concluded, respecting the original parties, whether the Presbytery of Elizabethtown or the Synod of New Jersey should be regarded as the other party, upon which the moderator decided that the action of the Assembly in allowing James Hoge and Nathaniel Hewit to take the place of absent members of the Committee appointed by the Synod of New Jersey, did virtually recognize the Synod as the party to be heard at this stage of the proceedings.—1858, p. 291, O. S.

3. Members of the Court trying a Case are not Parties in the Case, and may not Appeal.

The Judicial Committee also reported on judicial business No. 8, viz., the appeal of Dr. Joshua L. Wilson and others, against a decision of the Synod of Cincinnati, in the case of Dr. Beecher, that they have examined the same, and are of opinion that Dr. Wilson and others were not a party in the case, and consequently cannot constitutionally appeal; and

recommend that they have leave to withdraw their appeal. This report was adopted—1834, p. 432.

4. In a Case originating in Common Fame, the Appellate Court does not become an Original Party with Right to Appeal.

a. Also, *Judicial Case No.* 5: An appeal of the Presbytery of Omaha, against the decision of the Synod of Iowa, in the case of Dr. G. C. Morrill.

This case originated in the session of the Second Church of Omaha, in which common fame was the accuser against Dr. Gilbert C. Morrill. After trial and judgment before the session, it was carried, by appeal of the accused, to the Presbytery of Omaha, from whose judgment it was again carried, by appeal of the accused, to the Synod of Iowa.

The Synod remanded the case to the session for a new trial, of which decision the Presbytery of Omaha seeks a review by appeal to this Assembly.

In the judgment of the Judicial Committee, the Presbytery of Omaha is not one of the original parties to this case, and is, therefore, not competent to bring it before the Assembly by appeal (Book of Discipline, chap. vii., sec. iii., sub 1 and 17). And they, therefore, recommend that the appellants have leave to withdraw their papers.—1870, p. 27.

b. The original parties being called for, the moderator decided that the case having arisen without an individual prosecutor, there was but one original party before the court—the appellant—who was now to be heard by A. G. Hall and J. Bliss, representing him.—1859, p. 543, O. S.

See above, chap. vii., sec. iii., sub-sec. viii.

SECTION IV.

OF COMPLAINTS.

I. Another method by which a cause which has been decided by an inferior judicatory, may be carried before a superior, is by complaint.

[See under sec. iii., above. *An Appeal* can be taken only by an "Original party," sub-secs. i. and xvii. It is from a "Decision" of the judicatory appealed from; on any of the grounds named in sub-sec. iii. Its operation is to "suspend all further proceedings on the ground of the sentence appealed from" pending the issue of the appeal, except that suspension, excommunication or deposition, remain in force, sub-sec. xv.

A complaint may be brought by others than the original parties, not excluding them. It may challenge any of the proceedings of the inferior judicatory, and any "decision" on any subject, which, "in the opinion of the complainants, has been irregularly or unjustly made," sub-sec. ii. A complaint does not arrest or suspend the operation of the sentence as in the case of an appeal. As the complaint is open to a wider range of parties than the appeal, so it is applicable to a wider range of subjects. It is resorted to chiefly to obtain the decision of the superior courts upon points of constitutional law, of morals, or of doctrine, supposed to be involved in the decisions of an inferior judicatory, sub-sec. iii. The right would seem to be limited to those over whom the courts of the church have jurisdiction. See also under chap. viii., sec. iv.]

1. Complaint may be Brought by Others than the Original Parties.

The Judicial Committee reported a paper, signed by Dr. Cathcart and others, members of the Presbytery of Carlisle, purporting to be an appeal or complaint relative to a decision of the Synod of Philadelphia. The

Committee gave it as their opinion, that the subject could not be taken up on the ground of an appeal, because these persons were not one of the original parties; but that it might be taken up in the character of a complaint. *Resolved*, That the consideration of this complaint be the order of the day for next Tuesday morning.—1823, p. 69.

2. The Distinction between an Appeal and a Complaint must be Observed.

The records of the Synod of Utica were, on the recommendation of the Committee, approved, with the exception that, on page 275, the Synod recognizes a reference to them *as an appeal*, which should have been considered and acted on merely as a *complaint against*, and not *as an appeal from*, the decision of Presbytery concerning the settlement of a pastor.—1843, p. 22, N. S.

3. The same Matter may be the Subject both of Appeal and Complaint.

The question was taken on sustaining the appeal and complaint (of the Second Presbytery of Philadelphia against the Synod of Philadelphia). A division being called for, the question was first taken on the *complaint*. Sustained by yeas 118, nays 57. The question was then taken on the *appeal*. Sustained, yeas 90, nays 81.—1834, p. 431.

II. A complaint is a representation made to a superior, by any member or members of a minority of an inferior judicatory, or by any other person or persons, respecting a decision by an inferior judicatory, which, in the opinion of the complainants, has been irregularly or unjustly made.

1. By a Member or Members of an Inferior Judicatory.

Complaints were Entertained and Issued.

a. Of certain members of a Presbytery against the decision of a Synod.—1823, p. 73, 81; 1832, p. 356, etc.

b. Of an individual, in behalf of a minority, against the decision of a superior judicatory.—1827, p. 204; 1831, p. 329; 1833, p. 392, etc.

c. Of a Presbytery against the decision of a Synod.—1833, p. 392, etc.

d. Of a minority against a majority of the same court.—1831, p. 329; 1834, p. 436, etc.

e. Of a deposed minister against a Presbytery for refusing him a new trial.—1812, pp. 496, 504, etc.

2. By any other Person or Persons.

[By this phrase the Constitution seems to refer to those who are not members of the judicatory complained of.]

Complaints were Entertained and Issued.

a. Of Mr. Joseph Wherry relative to a decision of the Synod of Pittsburg.—1820, p. 738. See under iii., below.

b. Of the Presbytery of Washington, Ohio, against the Presbytery of West Lexington.—1821, p. 21. [These Presbyteries belonged to different Synods.] See also 1828, p. 237.

c. Of the Third Presbytery of Philadelphia against the Presbytery of Luzerne. . . . Brought before the Assembly, because of these Presbyteries having had no common synodical relation.—1870, p. 27.

d. A complaint of the commissioners of the Fifth Church in Philadelphia against a decision of the Second Presbytery of Philadelphia.—1835, p. 469.

e. Of certain members of a church against a Presbytery.—1864, p. 311, O. S.

f. In case of the neglect or refusal of a session to convene the congregation for the election of elders, the party feeling aggrieved has its remedy by application to Presbytery in the form of a complaint.—1822, p. 49. See also 1827, p. 215; 1840, p. 305, O. S.

g. It is the privilege of the people (of a congregation) or any part of them to complain to the Presbytery, when they think that the session, after being suitably requested, neglect or refuse to convene the congregation to elect a pastor.—1814, p. 559. Or to elect elders.—1822, p. 49.

3. Complaints Dismissed; on what Grounds?

a. No Reason Assigned.

The Judicial Committee reported the complaint of Mr. Charles J. Cook against the Presbytery of Rochester, accompanied with a petition. The documents in the case sent up by Mr. Cook were read. After which it was resolved, that the complaint and petition be dismissed.—1828, p. 232.

b. For Informality or Defect in Documents.

The subject of the complaint of the session of Indianapolis was taken up, and after considerable discussion and mature deliberation, it was resolved, that this business be dismissed on account of informality, and that the papers be returned to the respective parties.—1829, p. 262; 1829, p. 269; 1832, p. 364; 1865, p. 435, O. S.

c. For want of evidence of the complaint itself.—1831, p. 339.

d. Not presented within the constitutional time.—1834, p. 429. See above, under chap. vii., sec. iii., sub-sec. vii.

e. No Evidence of Notice to the Court Complained of.

Recommended that the complainant have leave to withdraw his papers on the ground that the Committee have no evidence that notice of such complaint was given to Synod.—1834, p. 434.

See above, sec. iii., sub-sec. v.

f. In the Absence of the Appellant.

The complaint of Rev. Dr. Henry Davis, against a decision of the Synod of Utica, was taken up, and dismissed on the ground that the complainant has not appeared to prosecute his complaint, nor any other person in his behalf.—1834, p. 454.

The complaints of Rev. G. Duffield and W. R. Dewitt were dismissed on the ground that neither the complainants themselves, nor any person in their behalf, are present to prosecute those complaints.—1835, p. 490.

[See under vii., iii., xi., above, the same rule applying to both.]

g. In the Absence of the Records.

The Assembly took up the complaint of the Presbytery of Missouri against the Presbytery of St. Charles, laid over by the last Assembly, and the records of the Presbytery of St. Charles not being present,

Resolved, That the complaint be dismissed.—1837, p. 429.

See above, sec. iii., sub-sec. xvi.

h. Complainants have leave to withdraw their papers. [No reason assigned.]—1837, p. 480.

4. Complaint will not Lie against a Judicatory for Obeying the Orders of the Superior Court.

Whereas, The Rev. Archibald McQueen prosecuted a complaint before the Assembly of 1845 against the Presbytery of Fayetteville for refusing to restore him to the exercise of the gospel ministry, and did at the same time memorialize that Assembly to decree his restoration; and whereas, that Assembly did take up and judicially entertain the said complaint, and pronounced judgment in the case by authorizing and recommending the Presbytery to restore the said Archibald McQueen to the gospel ministry, provided that in the judgment of the Presbytery it was wise so to do; and whereas the Presbytery, in the exercise of the discretion thus confided to them, did restore Mr. McQueen; therefore,

Resolved, That the complaint of the Rev. Colin McIver and others against the Synod of North Carolina, for having sustained the action of the Presbytery of Fayetteville in restoring the said Archibald McQueen, in accordance with the judicial decision of the Assembly of 1845, cannot be entertained by this house, and is hereby dismissed.

In making this disposition of the above-mentioned complaint, this General Assembly wishes it to be distinctly understood that they do not mean either to retract or modify any judgment hitherto expressed by any Assembly respecting the offence for which Mr. McQueen was suspended from the exercise of the gospel ministry. They simply declare that his case cannot be regularly brought before them by this complaint.—1847, p. 395, O. S.

b. The complaint is not sustained, the Presbytery having acted entirely in accordance with the directions of the Assembly of 1867.—1868, p. 641, O. S.

5. Complaint will not Lie against Advice given on Memorial.

The complaint of members of the Park Church, Newark, New Jersey, against the Synod of New York and New Jersey, was dismissed, on the ground that the action of the Presbytery was not a subject-matter of complaint, or removal of the case to a higher judicatory, their proceedings having been merely advisory upon the memorial of the complainants.—1852, p. 166, N. S.

6. Nor against a Refusal to Adopt a Proposed Paper.

The Judicial Committee having had under consideration No. 1, the appeal and complaint of the Rev. Robert J. Breckinridge, D. D., and others, against a decision of the Synod of Philadelphia on the quorum question; and No. 2, the appeal and complaint of the Rev. R. J. Breckinridge, D. D., and others, against a decision of the Synod of Philadelphia on the question of the imposition of hands in ordination, report, that in their opinion the Form of Government and Discipline of the Presbyterian Church do not authorize the appellants and complainants to bring before the General Assembly either an appeal or complaint in the cases referred to.

The report was adopted.—1844, p. 366, O. S.

[Against this decision a protest was entered. See Baird's Collections, Rev. Ed., p. 145, and Minutes, p. 380. In answer, the Assembly reply *inter alia*:]

In replying to the protest in question, little more is necessary than to state distinctly what was the action of the Synod of Philadelphia, complained of by R. J. Breckinridge and others. Two papers were offered by

Dr. Breckinridge for the adoption of the Synod; the one relating to the constitution of a quorum in Presbytery, the other to the imposition of hands by ruling elders in the ordination of ministers of the gospel. In relation to each paper, the question on which the Synod voted was in the following words: "Shall this paper be adopted?" By a large majority the Synod refused to adopt these papers. The Assembly know of no law in our Book of Discipline requiring a Presbytery or a Synod to adopt any paper or papers submitted to them by any individual or any number of individuals; and if there is no such law, there could be no transgression of law or neglect of duty, and consequently, no ground of complaint.

The papers in question condemn the interpretation of certain clauses in our Constitution, given by the last Assembly, propose an opposite interpretation, and overture the General Assembly to repeal the overtures adopted by the last Assembly, and to adopt interpretations of an opposite character. In regard to these papers, it is proper to remark,

1. There was no case before the Synod. No elder complained that he had been deprived of what he regarded as a constitutional right. No Presbytery was charged with having constituted and proceeded to business without a constitutional quorum. The Synod, therefore, was not called upon to *administer* law, but to *interpret* our Constitution—to decide constitutional questions *in thesi*. How far it is expedient to give expositions of our Constitution, or to decide constitutional questions *in thesi*, it may be difficult to determine; but certain it is that no church judicatory is bound, in any state of case, to give such decisions. But "where there is no law, there is no transgression," and, of course, there can be no ground of complaint. The protestants allege that the Synod *did* act, and that their action was complained of. The answer is, that the only action of the Synod in the case was a refusal to adopt certain papers offered by a member of that body. To this action, if it be proper to call it so, the Synod was forced by the member who offered the papers. They were obliged either to adopt them or to refuse them. They deemed it wise, as they had the perfect right, to do the latter.

2. Again: these papers, if adopted, required the Synod to send to this Assembly an overture or request to give an interpretation of our Constitution contrary to that given by the last Assembly. But, although it is the right of sessions, Presbyteries or Synods to overture the Assembly whenever they may deem it wise to do so, there is in our Book no law requiring them or any one of them to do so in any case. In declining to send up an overture, therefore, the Synod of Philadelphia violated no law, committed no transgression against ecclesiastical law, and consequently a complaint against that body cannot lie. The very idea of forcing either individuals or bodies to overture or petition is absurd.

But the protestants strangely contend that "every inferior court is responsible to the courts above it for the proper exercise of its discretion, and therefore they may be complained of as regards its exercise." Where there is *responsibility* there can be no *discretion*. To maintain the contrary, is to contend that an individual or a body may use their discretion, provided they use it in a *certain* way—that they may do as they please, provided they are pleased to act in a *particular* manner. The truth is, that where ecclesiastical rights of individuals or bodies are concerned, there is no discretion. All such rights are guarded by our Constitution, by which every church court is bound. The admission of the protestants that the Synod had the right to exercise its own discretion in the matter complained of is, in effect, an admission that the complaint is not legitimate, and ought not to have been entertained by this body.

Still more strangely, if possible, the protestants allege that "if the Synod be not obliged to act except in cases in which it is compelled by positive law, then Synods could not be complained of for even the grossest violations of duty, such as refusing to receive and issue appeals brought regularly before them, or refusing to redress what has been done by Presbyteries contrary to order." Do they, then, maintain that it is merely *discretionary* with Presbyteries and Synods whether they will receive and issue appeals, etc., regularly brought before them, as they admit it was with the Synod of Philadelphia whether they would condemn the doings of the last Assembly and overture this Assembly to do the same? But they say "there is no positive command or law requiring Synods to exercise any of their specified powers." To prove that this statement is wholly incorrect, it is necessary only to refer to chap. vii., secs. i., iii. and iv., of our Book of Discipline. Section i. treats of the *duties* of church judicatories in relation to review and control; sections iii. and iv. treat of the right to appeal and complain in certain cases, etc. Where there are duties, there can be no discretion, and where there is a right to appeal and complain, there is positive obligation on the part of the judicatory to receive and issue such appeals and complaints. But where, in our Constitution, is it said to be the duty of any church judicatory either to adopt papers that may be offered, to decide constitutional questions *in thesi*, or to overture a higher court? Or where is the right given to individuals in any case to have their interpretations of our Constitution adopted? There are no such duties on the one hand or rights on the other, and consequently, no right of appeal or complaint.

3. An additional objection to the appeals and complaints is that, were they entertained, the Synod of Philadelphia would, in the final vote, be excluded from voting. This, in the administration of law, where the inferior court has decided the case, and the appeal or complaint is against their decision, would be perfectly proper. But in the mere *interpretation* of our Constitution, in regard to which all have a common interest, and, therefore, common rights, such a course would be unconstitutional and grossly unjust. The Synod of Philadelphia, if the complaints had been entertained, would have been excluded, as having decided the questions involved. But the Synod of Kentucky has also given its decisions of the same questions. Why, then, should the one vote and the other be excluded? Nay, it is believed, that a large majority of the members of this Assembly have, in one form or another, decided upon them. Why, then, permit them to vote, and exclude the Synod of Philadelphia? What interest has this Synod more than other Synods or Presbyteries, in giving a wrong exposition of our Book? When we *interpret* our Constitution, the voice of the whole Church should be heard.

But the protestants say, this is an argument against our Constitution. In this, however, they are mistaken. It is only an argument against *their incorrect interpretation of it.* It gives no right to appeal or complain against a judicatory for declining to decide a constitutional question *in thesi*, or to overture the higher court.

4. That the complaint is illegitimate, is further evident from the consequences which would follow the adoption of the principle involved in it. If our Church courts are bound, in any case, to decide constitutional questions *in thesi*, and to overture the higher court, it follows:

1st. That any member of a Session, Presbytery or Synod can, at any time, force the Assembly to discuss and decide, *in thesi*, any constitutional question he may choose to raise, or any number of them. He has only to

offer his interpretation to the lower court, and come up with his complaint, which must be regularly issued.

2d. The Assembly can be forced to discuss and decide the same question repeatedly at the same session. The minority of the Synod of Kentucky might have complained of its action on the same points; and, according to the doctrine of the protestants, the Assembly must have regularly tried both complaints, regularly hearing the parties from both Synods discuss the same points, not in relation to the *administration* of law, where both parties claim to have been aggrieved, but in relation to the interpretation of law.

3d. The Assembly could be forced to decide great constitutional questions by only a part of the delegates from the Presbyteries, thus excluding a large number of Presbyteries from a vote on the interpretation of the Constitution by which they are to be governed.

4th. The Assembly, by the exclusion of different Synods, in deciding the different complaints, might be placed in the humiliating attitude of giving contradictory expositions of the Constitution at the same sessions.

Who will pretend that our Constitution is so defective, so strangely inconsistent, as to expose our Church courts to difficulties and absurdities such as those just mentioned?

In answer to the *third* reason assigned by the protestants it is sufficient to state, that it has not been, and we believe it cannot be proved, that any General Assembly of our Church ever entertained a complaint such as the one in question—a complaint against a Church judicatory for refusing to decide a constitutional question *in thesi*, or to overture a higher judicatory. The complaint under consideration is, so far as this Assembly is informed, strictly *sui generis*.

Finally, our Constitution prescribes the mode in which constitutional questions may be brought before the General Assembly. The proper course was pursued by the Presbytery of Cincinnati in regard to the matters embraced in Dr. Breckinridge's papers; and they were brought before this body untrammeled by judicial proceedings, and the voice of the representatives of the Church decided on the true meaning of the clauses in our Constitution concerning which there has been a difference of opinion.

In reply to the complaint of the protestants, that the Assembly refused to hear the complainants on the right of jurisdiction, it is sufficient to say: 1st. That it cannot be shown that our Book gives such rights. 2d. The adoption of the principle involved in such a claim would be followed by most of the difficulties already enumerated as consequent upon entertaining the complaint. The Assembly must from year to year, agree to hear every member of a Session, Presbytery or Synod, who may choose to try to convince them that they have jurisdiction over all kinds of subjects. 3d. There was properly no question as to right of jurisdiction. The matter of complaint against the Synod, belongs not to the department of discipline.

In reply to the complaint of the protestants that the Assembly did not sit as a court, and that the members were not charged by the moderator; it is sufficient to state, that as the Assembly could not sit in a judicial capacity, until the complaint was decided to be orderly and legitimate, the objection is wholly without force.

The protestants think the course pursued by the Assembly calculated to foster all kinds of diversity in practice and opinion. They seem not to see, that the course pursued by the complainants and by themselves, in relation to the decisions of the highest court of our Church, to which it

properly belongs to expound the Constitution and settle all controversies, is directly calculated to produce the very result they seem to deprecate.—1844, p. 383, O. S.

[See under Form of Government, chap. v., iv., 1827, p. 204, where a complaint against a refusal to adopt a resolution was entertained.]

7. Nor against an Opinion Expressed by the Superior Court.

Judicial Case No. 1, being a complaint of the Presbytery of St. Clairsville against the Synod of Wheeling, for taking exception to their minutes on the ground "that their entire action in the case of the church of Kirkwood was unwise and inexpedient."

The Committee recommend that this complaint be dismissed, on the ground that in the action complained of the Synod passed no judgment in the case, but only expressed an opinion, and that there is therefore no constitutional ground for complaint. [See Book of Discipline, chap. vii., sec. iv., sub-sec. ii.] The report was adopted.—1864, p. 312, O. S.

8. Nor against a Judicatory for its Discretion in Dismissing a Complaint.

Case No. 4, the complaint of the Rev. W. P. Carson against Synod of Iowa, for dismissing his complaint against the Presbytery of Dubuque. The Presbytery, upon application both of the pastor and the congregation, dissolved the pastoral relation, and Mr. Carson complained to Synod, on the ground that the session and trustees united in calling the meeting of the congregation, without the presence or co-operation of the pastor, at which action was taken asking for the dissolution of the pastoral relation. The Committee recommend that the complaint be dismissed, there being no sufficient ground of complaint.

The report was adopted.—1868, p. 612, O. S.

9. Nor in a Case already Adjudicated by the Superior Court.

Dr. Lacy, from the Judicial Committee, reported Case No. 1, the complaint of James Russell against the Presbytery of Flint River and the Synod of Georgia.

The Committee report, that the case has already been adjudicated by the General Assembly, in Philadelphia, in the sessions of 1853, and cannot properly come again before *this* body; and therefore recommend that the case be dismissed, and the papers be returned to Mr. Russell. Adopted.—1855, p. 271, O. S.

10. Nor from the Decision of a Commission not yet Confirmed.

The Judicial Committee, through Rev. Samuel Miller, D. D., reported,

Case No. 1, the appeal of the church of Mifflinburg against the Synod of Philadelphia, for its action in the matter of the appeal and complaint of the Rev. Isaac Grier.

The Committee reports that this complaint must be dismissed, because no complaint will lie from the decision of a commission of Synod until that decision has been reported to Synod and approved thereby. The Committee, therefore, recommends that the Assembly direct the commission in this case to report its decision to the Synod for its action. The report was adopted.—1869, p. 902, O. S.

[See also 1862, p. 608, O. S.]

11. Nor against a Decision of a Moderator Unappealed from at the Time.

Case No. 7, complaint of the session of the First Presbyterian Church, St. Charles, Mo.

Case No. 8, being a complaint of Rev. Robert P. Farris, against the Synod of Missouri.

These two cases are substantially identical, and may be regarded as one. The Committee find that in the matter complained of there was no action of the Synod as such, but only a decision of the moderator affecting the complainants, from which they made no appeal to the body of the Synod, and consequently they have no just ground of complaint. They, therefore, recommend that it be dismissed, and that the complainants have leave to withdraw their papers. The report was adopted.—1865, p. 543, O. S.

12. Complainant has Leave to Withdraw for Reasons Stated.

a. Judicial Case No. 5, being the complaint of Alexander Guy, M. D., against the action of the Synod of Cincinnati.

The complainant, Dr. Guy, having reason to believe that the language employed by the Synod, in determining the case, was inadvertently used, is on this account willing to withdraw his complaint. The Committee recommend that leave be granted, and that Dr. Guy be allowed to withdraw his papers.

The report was accepted and adopted.—1867, p. 331, O. S.

b. Judicial Case No. 6, being the complaint of the Rev. S. J. Niccolls and others, against the action of the Synod of Missouri, passed at its sessions in October, 1865, whereby it declared the previous meeting of its own body, "not a free court of Christ, and its entire acts null, void and of no binding force."

This complaint was found in order, and referred from the last General Assembly to this; but inasmuch as the Synod has reconsidered and reversed the action complained of, and reported the same to this General Assembly, in accordance with the requirement of the last Assembly, passed with reference to the Synod of Missouri, the complainants request leave to withdraw their complaint.

Your Committee recommend that their request be granted, and the case dismissed.

The report was accepted and adopted.—1867, p. 331, O. S.

c. Judicial Case No. 1, being the appeal and complaint of D. W. Irvine and others against the action of the Presbytery of New Castle. The Committee having satisfactory evidence that the ground of the appeal and complaint in this case has been removed by the subsequent action of the Presbytery complained of, recommend that the appeal and complaint be dismissed without prejudice. The report was adopted.—1867, p. 327, O. S.

d. Judicial Case No. 1. A complaint of certain members of the session of the church of Eaton, Ohio, against the Synod of Cincinnati.

The Committee recommend, that the complainants have leave to withdraw their complaints without prejudice, and that they be advised to present the same to the Synod of Cincinnati.—1871, p. 547.

13. Complaint Dismissed when Laid against the Refusal to Read the Printed Minutes.

Fourth. Case of Rev. J. W. Martin *vs.* the Synod of Cleveland.

Mr. Martin complains of a suggestion of the moderator, sustained by

vote of the Synod, that the minutes of the previous session need not be read, at the beginning of the sessions in October, 1872, because they had been printed and were in the hands of the members; also that the moderator refused to hear him speak against this action, and requests the Assembly to express a judgment respecting the authority of moderators and church courts, under our Book. The Committee find that the minutes of the previous session had been read and approved by the Synod at the close of that session, and therefore would have been read only for information, which was already in possession of the members in the printed copies; that they have no proof that the complainant was unjustly treated by the moderator, beyond what often occurs in such cases; and that our Book of Discipline very definitely states the authority and province of moderators. Therefore, we do not deem the case of sufficient importance to require the action of the Assembly. Adopted.—1873, p. 509.

III. The cases, in which complaint is proper and advisable, are such as the following, viz.: The judgment of an inferior judicatory may be favorable to the only party who has been placed at their bar; or the judgment in question may do no wrong to any individual; or the party who is aggrieved by it may decline the trouble of conducting an appeal. In any of these cases no appeal is to be expected. And yet the judgment may appear to some of the members of the judicatory, to be contrary to the Constitution of the Church, injurious to the interests of religion, and calculated to degrade the character of those who have pronounced it. In this case, the minority have not only a right to record, in the minutes of the judicatory, their dissent from this judgment, or their protest against it, but they have also a right to complain to the superior judicatory.

1. Subject Matter of Complaints Entertained.

a. Relative to a decision of the Synod of Pittsburg reversing a decision of the Presbytery of Ohio, which had restored Mr. Wherry to church privileges.—1820, p. 738.

The complaint was sustained.

b. In the case of the complaint of members of the Presbytery of Carlisle against the Synod of Philadelphia, it was—

Resolved, 2. That the complaint ought to be considered by the Assembly, only so far as it regards the *regularity* of the proceedings of the Synod in reversing the judgment of Presbytery in the case.—1823, p. 74.

c. Complaint of the Presbytery of Washington, Ohio, against the Presbytery of West Lexington, for licensing and ordaining the Rev. William L. M'Calla, contrary, in the opinion of the complainants, to Presbyterial order. Mr. M'Calla having been suspended from church privileges by the Presbytery of Washington, in consequence of a reference on the subject from the session of the church of Chillicothe.—1821, p. 21.

[See for decision, Form of Government, xiv., i., ii.]

d. Complaint of Ashbel Green and others, by which complaint the following question is presented for the decision of the Assembly, viz.:

Is it consistent with the Constitution of this Church for the same individual to hold the office of ruling elder in two different churches at the same time?

The complainants were heard in support of their complaint; the Synod was heard in defence of their decision; and the complainants concluded with a reply:

When it was resolved by the Assembly, that the decision of the Synod be affirmed, and the complaint dismissed.—1827, p. 204.

e. The Judicial Committee also reported a complaint by Mr. David M'Clure, against the Presbytery of Philadelphia, in relation to the mode in which certain ruling elders had lately been elected in the Second Presbyterian Church of Philadelphia.—1827, p. 211.

Decision of Presbytery affirmed, p. 215.

f. Complaints from the Presbyteries of French Broad and Union against the Board of Missions, for declining to appoint two missionaries.—1835, p. 289.

[For decision, see under Form of Government, x., viii.]

g. Complaint of the minority of the Presbytery of Philadelphia, against a reference by said Presbytery of the case of Rev. Albert Barnes.—1831, p. 319.

The decision of the Presbytery of Philadelphia, relative to the installation of Mr. Duffield, see vii., iii., x.—1835, p. 490.

h. The complaint of Mr. Gilbert and Mr. Pickands in behalf of themselves and other members of the late Presbytery of Wilmington against the Synod of Philadelphia, for dissolving them.—1836, p. 279.

Sustained.

i. Complaint of Rev. Thompson Bird against the Synod of Iowa for reversing the decision of the Presbytery of Des Moines, deposing a minister for adultery in marrying a divorced woman.—1858, p. 599. N. S.

[See Directory.]

j. No. 1, reported by the Judicial Committee, viz.: "A complaint of certain members of the Presbytery of Philadelphia, against the Synod of Philadelphia, for refusing to divide said Presbytery," was taken up.—1832, p. 356.

The complaint was sustained "without casting censure on the Synod of Philadelphia.—1832, p. 360.

[See also 1833, p. 396.]

k. Judicial Case No. 1—the complaint of John Turbitt against the Synod of Illinois, for refusing to take up and consider, at their meeting in October, 1859, his appeal from, and complaint against, the Presbytery of Peoria; and would recommend to the Assembly to dispose of the case by adopting the following minute:

It is earnestly recommended by this Assembly to the Synod of Illinois, to reconsider their judgment in the case of Mr. John Turbitt, declared at their late meeting, October, 1859; and without regarding the circumstance of his having originally passed over the Synod and appealed directly to the Assembly, nor the circumstance of so much time having elapsed since the decision of the Presbytery against him, to take up his case, and either try it as an appeal against the Presbytery upon the old evidence, or else remand it to the Presbytery for their hearing of the new testimony.—1860, p. 46, O. S.

l. Judicial Case No. 1 was taken from the docket, and the report of the Judicial Committee was read as follows:

The complaint of the Rev. Alex. M. Cowan, against the action of the Presbytery of Sydney, for refusing to enrol his name, on the ground that he acknowledged himself to be a signer of the "Declaration and Testimony," and refused to sign the declaration prescribed by the Assembly of 1867 in such cases.

The Committee finds the case to be in order, and recommends that it be tried according to the order prescribed in the Book of Discipline.—1868, p. 639, O. S.

[The following minute in the case was adopted:]

The General Assembly having heard the complaint of Mr. Cowan, it is resolved that it be not sustained, the Presbytery having acted entirely in accordance with the directions of the Assembly of 1867.

But inasmuch as the emergency that called for the action of that and of the previous Assembly has passed; and inasmuch as many throughout the Church, and entirely loyal to it, have scruples in respect to the constitutionality and expediency of the orders of 1866; and inasmuch as Mr. Cowan declares, that in signing the Declaration and Testimony he had no intention to rebel against, or to show any disrespect to, the Church, but merely to protest against what he regarded as an unconstitutional act; and inasmuch as he desires to adhere to the General Assembly and to be subject to its authority; therefore,

Resolved, That his case be referred to the Presbytery to which he belonged, with instructions to deal tenderly with his scruples, and if in the judgment of said Presbytery he can be restored in accordance with the spirit of the action of 1867, that Presbytery have authority to restore him without further acknowledgment than that stated above in the hearing of this body.—1869, p. 641, O. S.

For other causes of complaint see below.

2. Complainants Satisfied by Conference and Leave to Withdraw.

The Judicial Committee reported the complaint of the Second Presbytery of Philadelphia against the Synod of Philadelphia, and also the complaint of Messrs. Robert Cathcart, George Duffield and E. W. Gilbert against the Synod of Philadelphia, as in order, and reported also an order to be pursued in prosecuting these complaints.

Resolved, That these complaints be referred to a select Committee, to endeavor to effect a compromise, if practicable, between the parties concerned.

Dr. Spring, Dr. Hoge, Mr. Ludlow, Mr. Jessup and Mr. Wilkinson were appointed this Committee.

The Assembly united in prayer for the divine direction and blessing upon this Committee and the parties concerned in these complaints.

The Judicial Committee reported on the petition and remonstrance of the Synod of Philadelphia against the last General Assembly's proceedings in relation to the Second Presbytery of Philadelphia. This paper was referred to the same Committee of compromise.

The Judicial Committee further reported the complaint and petition of E. W. Gilbert in behalf of himself and the Hanover Street Church of Wilmington, Delaware, against the Synod of Philadelphia, as in order, and reported an order of proceeding to be followed in case the complaint is taken up. This complaint also was referred to the same Committee of compromise.

The Judicial Committee further reported on a paper purporting to be a complaint of the Synod of Cincinnati, remonstrating against the division of Presbyteries on the principle of elective affinity. This paper was also committed to the same Committee of compromise.—1833, p. 396.

The Committee subsequently reported that after an interview with members of the Presbytery and of the Synod, as a result of a free conference with both parties, they were enabled to recommend to the Assembly the following:

Resolved, That the complainants in all these cases have leave to withdraw their complaints, and that the consideration of all the other papers relating to the Second Presbytery of Philadelphia be indefinitely postponed.—1833, p. 399.

IV. Notice of a complaint shall always be given before the rising of the judicatory, or within ten days thereafter, as in case of an appeal.

1. Reasons as well as Notice must be Given.

Overture No. 3, from the Synod of Cincinnati, as follows: "Does the language of the Book of Discipline, chap. vii., sec. iv., imply that when notice of complaint is given to a judicatory of the Church, reasons for such complaint must be given, as in the case of appeal?"

A majority of the Committee recommend that the question propounded in the overture be answered in the affirmative. The minority are of the opinion that it should be answered in the negative.

It was moved that the Assembly sustain the answer of the majority in the affirmative. Adopted.—1855, p. 271, O. S.

2. Evidence must be Furnished that Notice was given.

a. Dismissed for want of evidence that notice of the complaint was given to the superior judicatory.—1834, p. 434; 1863, p. 23, O. S.; 1865, p. 16, N. S.

b. Leave given to show that notice has been given as required (1834, p. 454) and the complaint entertained.—1836, p. 274.

[Where a mistake had been made, see chap. vii., sec. iii., sub-sec. v.]

3. Right to Complain waived by Failure to Observe the Rules.

a. The report of the Judicial Committee No. 3, viz., the complaint of Messrs. Tate, McIver and others, against the Presbytery of Fayetteville, in the case aforesaid, was taken up and adopted, and is as follows, viz.:

A complaint of the Rev. Robert Tate, Colin McIver and others, was put into the hands of the Committee, in which they complain of a decision of the Presbytery of Fayetteville, by which they refused to reconsider certain decisions made at a former meeting of the Presbytery touching the case of the Rev. Archibald McQueen. The Committee are unanimously of the opinion that the General Assembly cannot entertain this complaint, inasmuch as the complainants did not avail themselves of their right to complain of the aforesaid decisions within the time and in the manner specified in our Book of Discipline. The Committee believe that it was never intended that those who thus waived their right should have the right, at a subsequent meeting of the judicatory, on a mere motion to reconsider, to bring the whole previous action by complaint before the higher judicatory.—1846, p. 202, O. S.

b. On motion of George Howe, the unfinished business on judicial case No. 1 was resumed, and the report of the Judicial Committee was adopted, and is as follows:

Judicial Case No. 1. The complaint of the Rev. James P. Fisher against the action of the Synod of Albany, in the case of the Rev. George H. Thatcher. It appears that the Presbytery of Albany allowed Mr. Thatcher to demit the office of the gospel ministry, of which action complaint was made by Mr. Fisher to the Synod in 1856. This complaint was sustained, but no copy of it appears on record, nor are the minutes of the Presbytery, out of which the complaint grew, before us. The Synod, in sustaining the

complaint, did not make any order to the Presbytery as to what disposition they should make of Mr. Thatcher; but no protest was entered against this action, nor was any complaint taken to this body at that time. At the meeting of the Synod in 1857, a memorial was presented from the Presbytery of Albany, asking Synod to define their action in the case, which memorial was laid on the table. The complaint now before us purports to lie against this latter action, but it is entitled a complaint "of the action of the Synod in the case of the Rev. George H. Thatcher," and undoubtedly all the reasons of complaint are aimed against that action. The Judicial Committee recommend that the case be dismissed for the following reasons, viz.:

1. The complainant having failed at the proper time to make his complaint of the action of the Synod in the case of Mr. Thatcher, has thereby forfeited his right to complain.

2. Were the Assembly to allow a judicial case, when once adjudicated, to be revived on a simple memorial, it would give rise to endless litigation, insomuch that no judicial case could ever be known to be finally settled.

3. Even if the Assembly were disposed to entertain the complaint, no intelligent or just decision could be had in the case, in the absence of the complaint which the Synod sustained, and of the records of the Presbytery in the original case.—1858, p. 297, O. S.

V. This complaint brings the whole proceedings in the case under the review of the superior judicatory; and, if the complaint appears to be well founded, it may have the effect, not only of drawing down censure upon those who concurred in the judgment complained of; but also of reversing that judgment, and placing matters in the same situation in which they were before the judgment was pronounced.

1. The Judicatory Issuing a Complaint may not Decline to Adjudicate the Merits of the Case, and must Observe the Alternatives of the Book.—It may not Assume Original Jurisdiction.

On the complaint of Mr. William H. Beecher and others against the Synod of Genesee, in the case of the appeal of Dr. Frank from the decision of the Presbytery of Genesee, the General Assembly sustain the complaint and reverse the judgment of the Synod on the following grounds, viz.:

1. That the merits of the case seem to be expressly declined by the Synod as the subject-matter of adjudication.

2. That the Synod appear not to have adhered to the alternatives prescribed by the Constitution. (See Book of Discipline, chap. vii., sec. iii., sub-sec. x.)

3. That the Synod seem to have forgotten the nature and the limits of their appellate, as distinguished from the original jurisdiction in the case; in that they censure at their bar the appellant in a way competent, in any circumstances, only to the session of the church to which the appellant was primarily amenable.

4. That they seem to have forgotten also, in restoring the appellant, that some expression of repentance ought to have been exacted, especially if their reprimand could, from any tribunal, have been deserved.

The Assembly, therefore, rule that the Synod of Genesee should review their proceedings in this case; and, regarding alike the rules of the Con-

stitution and the merits of the case, that they proceed to issue the same with equity and wisdom.

In the matter of defining in what calumny consists, as connected with the case, the Assembly feel it not necessary to express any opinion farther than to recommend the principles of our constitutional discipline.—1840, p. 11. N. S.

2. Reversal places Matters in Statu Quo.

[In the complaint of T. B. Clark and others, against the decision of the Synod of Cincinnati—]

The parties having been heard, the Synod withdrew, and the roll was called for the opinions of the members. The question was then put, "Is the complaint well founded?" and it was answered in the affirmative.

And it was

Resolved, That the complaint be sustained, and the decision of the Synod of Cincinnati be reversed, and matters placed in the same situation in which they were, before the Synod entered up its judgment in the case.—1841, p. 450, O. S.

See also under vii., iii., x. Discipline, chap. i., iii., 12, *a* and *c*.—1864, p. 328, O. S. Complaint of N. West *vs.* Synod of New York, Discipline, chap. v., sec. vii. 2. Complaint of J. M. Davidson *et al. vs.* Synod of Baltimore—1860, p. 31, O. S., and 3. Complaint of John Mack *et al. vs.* Synod of Illinois—1867, p. 355, O. S.; also Form of Government, chap. x., sec. viii., 47 *b*.—1864, p. 311, O. S.

VI. In cases of complaint, however, as in those of appeal, the reversal of a judgment of an inferior judicatory is not necessarily connected with censure on that judicatory.

VII. None of the members of the judicatory whose act is complained of can vote in the superior judicatory, on any question connected with the complaint.

See above, chap. vii., sec. iii., sub-sec. xii.

CHAPTER VIII.

OF DISSENTS AND PROTESTS.

I. A DISSENT is a declaration on the part of one or more members of a minority, in a judicatory, expressing a different opinion from that of the majority in a particular case. A dissent accompanied with reasons is always entered on the records of the judicatory.

In the Assembly of 1846, O. S., leave to have a dissent with reasons entered upon the record, was refused.—Baird, Rev. Ed., p. 117.

a. Dissent with Reasons a virtual Protest.

Had the dissent been offered without reasons, and simply as a record of the vote of the dissenters, it would have been entirely proper to enter it on the minutes of the Assembly without reply. It would then have

been in the nature only of a record, in part, of ayes and nays. But as it is accompanied with reasons, it is virtually a protest.—1872, p. 85.

II. A protest is a more solemn and formal declaration, made by members of a minority as before mentioned, bearing their testimony against what they deem a mischievous, or erroneous, judgment; and is generally accompanied with a detail of the reasons on which it is founded.

1. The Right to Protest for the Relief of Conscience.

a. That any member or members, for the exoneration of his or their conscience before God, have a right to protest against any act or procedure of our highest judicature, because there is no further appeal to another for redress; and to require that such protestation be recorded in their minutes. And as such a protest is a solemn appeal from the bar of said judicature, no member is liable to prosecution on account of his protesting. Provided always, that it shall be deemed irregular and unlawful, to enter a protestation against any member or members, or to protest facts or accusations instead of proving them, unless a fair trial be refused, even by the highest judicature. And it is agreed, that protestations are only to be entered against the public acts, judgments or determinations of the judicature with which the protestor's conscience is offended.—1758, p. 286.

b. The Dissent or Protest must be Entered before the Rising of the Assembly.

Any member who may think himself aggrieved by a decision of the General Assembly, shall have his dissent, or protest, with his reasons, entered on the records of the Assembly, or filed among their papers, if given in before the rising of the Assembly.—1822, p. 44.

c. A protest offered by Dr. Peters against the adoption of the "circular letter" was read and received and laid on the table.—1836, p. 496.

2. A Protest Arguing the Case is Refused.

a. Dr. Martin presented and read a protest against the decision made in his judicial case, when, on motion of the Rev. D. J. Waller, it was

Resolved, That Dr. Martin's protest is only such in name, while it is in reality an argument of the case which the Assembly has refused to hear, as not regularly before it, and that he therefore have leave to withdraw the same.—1865, p. 592, O. S.

b. The Protest must Confine Itself to Reasons.

The appropriate business of the protestants was simply to give the reasons on which their protest was founded, not to answer the arguments of individuals in debate, for which the Assembly is not responsible.—1844, p. 378, O. S.

III. If a protest, or dissent, be couched in decent and respectful language, and contain no offensive reflections, or insinuations, against the majority of the judicatory, those who offer it have a right to have it recorded on the minutes.

See under ii., above.

1. Protest Admitted to Record without Answer.

Dr. Stuart Robinson read a protest, signed by himself and others, against the adoption of the paper of Dr. R. J. Breckinridge on the state of the Church.

This protest was, on motion, admitted to record without answer.

Another protest, signed by Rev. A. P. Forman and others, was likewise admitted to record without answer.—1862, p. 636, O. S.

2. Protest refused Record as being Disrespectful.

A protest was received from Dr. Boardman and others against the action of the Assembly in the matter of the Louisville Presbytery. After discussion, on motion, it was

Resolved, That it be the sense of this General Assembly that the protest of Dr. Boardman and others is not respectful in language, and that it be returned to the author.—1866, p. 104, O. S.

3. A Protest should not be Recorded unless by Order of the Court.

Exception to Records of Synod of Albany. A protest on pp. 323, 324, which was handed to the stated clerk, and by him recorded, when it does not appear that he was directed by Synod to make such insertion.—1828, p. 242.

IV. A dissent, or protest, may be accompanied with a complaint to a superior judicatory, or not, at the pleasure of those who offer it. If not thus accompanied, it is simply left to speak for itself, when the records containing it come to be reviewed by the superior judicatory.

1. A Protest without Complaint can come before the Superior Court only on Review of Records.

The Judicial Committee reported Judicial Case No. 1: A protest of W. C. Matthews, against the action of the Synod of Kentucky.

The Committee recommend that the matter be dismissed, because, as being a mere protest, the papers belong to the lower court, and the protestant has his sufficient redress in the review of the synodical records by the Assembly. See Book of Discipline, chap. viii., sec. iv.—1870, p. 27.

[It has been supposed that the complaint arising under this section differs in some way from that provided for in chap. vii., sec. iv., sub-sec. iii., that the one is judicial and the other not. I have been able, after very careful research, to find in the proceedings of the Assembly no case in which such distinction is drawn. The reason for referring again to the right to complain in chap. viii., sec. iv., seems to be, that the right to complain here is restricted to those who have the right to vote. See sec. viii., which is not the case in vii., iv., sub-sec. ii. ("by any other person, or persons"). So far as the minority of the inferior judicatory is concerned, sec. iv. above is but a repetition of chap. vii., sec. iv., sub-sec. iii. In this case, the minority have not only a right to record in the minutes of the judicatory, their dissent from this judgment, or their protest against it, but they have also a right to complain to the superior judicatory. I have found no case in which the Assembly has made any dis-

tinction between complaints. They have uniformly, when entertained at all, been treated as judicial cases. See, at large, chap. vii., sec. iv. M.]

V. It may sometimes happen that a protest, though not infringing the rules of decorum, either in its language or matter, may impute to the judicatory, whose judgment it opposes, some principles or reasonings which it never adopted. In this case the majority of the judicatory may with propriety appoint a committee to draw up an answer to the protest, which, after being adopted as the act of the judicatory, ought to be inserted on the records.

1. No Answer deemed Necessary when the Assumptions have been Refuted.

The Committee appointed to answer the protest against the proceedings of the General Assembly on the "memorial complaining of sundry grievances abroad in the Church," made the following report, which was adopted, viz.:

That after a due consideration of the whole subject, and believing the protest to be founded on assumptions which were fully refuted and proved untenable in the course of a long and thorough discussion of the several resolutions adopted, they deem it inexpedient for the Assembly to assign any further reasons for the course pursued in relation to the above memorial.—1834, p. 450.

2. The Answer Denies the Imputations of the Protest.

The Assembly deems the following a sufficient answer to the protest against the action of the Assembly upon matters connected with the "Declaration and Testimony."

1. It is apparent upon the face of the protest, that its signers deeply sympathize in principle, spirit and action, with the signers of the said "Declaration and Testimony," in opposition to the General Assembly.

2. The paper imputes to the Assembly, in several particulars, that which does not appear from anything contained in its action in the case; but the Assembly is disposed to pass over this infirmity, and the disrespectful language employed in the protest, attributing these to an apparent inability, on the part of these brethren, to divest themselves wholly of prejudices which have grown out of the unhappy contest in which the country and the Church have been engaged during the last several years. —1867, p. 365, O. S.

[See Minutes, *passim*, and above, chap. vii., sec. ii., sub-sec. i., *a*, *b*; also chap. vii., sec. iii., sub-sec. iii., 7; also chap. vii., sec. iv., sub-sec. ii., 6; also below, chap. ix., sec. v. In many cases the Assembly's answer to a protest contains the fullest explication of its sentiments. See above, Form of Government, chap. i., secs. i.–viii., 26, *b*.]

VI. When, in such a case, the answer of the majority is brought in, those who entered their protest may be of the opinion that fidelity to their cause calls upon them to make a reply to the answer. This, however, ought by no means to be admitted; as the majority might, of course, rejoin, and litigation might be perpetuated, to the great inconvenience and disgrace of the judicatory.

VII. When, however, those who have protested, consider the answer of the majority as imputing to them opinions or conduct which they disavow; the proper course is to ask leave to take back their protest, and modify it in such manner as to render it more agreeable to their views. This alteration may lead to a corresponding alteration in the answer of the majority; with which the whole affair ought to terminate.

VIII. None can join in a protest against a decision of any judicatory, excepting those who had a right to vote in said decision.

1. Protest will not be Received from those not Members of the Body.

A paper of the nature of a protest was offered by the Rev. W. G. Craig from persons not members of the Assembly, which was read, and on motion, returned to Mr. Craig.—1867, p. 359, O. S.

2. A Protest can be Brought only by the Minority of a Judicatory Itself.

The Committee on Minutes of the Synod of Sandusky report that they have examined these records, and find them correct, and recommend their approval, except that the Synod has entered upon its minutes, on page 75, a "formal protest" against the action of the last General Assembly.

Your Committee judge that remonstrance or complaint, for the reopening of a question, may be made by an inferior judicatory to a superior: but that protest against the action of the General Assembly can be made only by a minority of the body itself.—1864, p. 307, O. S.

CHAPTER IX.

NEW TESTIMONY.

I. If, after a trial before any judicatory, new testimony be discovered, which is supposed to be highly important to the exculpation of the accused, it is proper for him to ask, and for the judicatory to grant, a new trial.

1. New Trial may be had on the Allegation of New Testimony.

a. That as new evidence, apparently of an important kind, has been alleged in this case since the decision of the Synod, it is proper that a new trial be instituted thereon.—1793, p. 68.

b. Resolved, That as only one of the parties in this case is present, this General Assembly do not consider themselves as placed in circumstances which admit of their reconsidering the decision of last Assembly on Mr. Hindman's appeal from the Synod of Philadelphia, even if the existence of new evidence were ever so unquestionable.

Resolved, also, That it is the well-known privilege of Mr. Hindman, if

he consider himself as having new evidence to offer in this case, to apply to the Presbytery for a new trial upon that new evidence.—1811, p. 479.

c. The Judicial Committee reported on the appeal of John Ward from a decision of the Synod of Genesee, that on the ground of new testimony the appellant be directed to apply to the church of Bergen for a new trial. The report was adopted.—1829, p. 266; also 1841, p. 307, O. S.

2. New Trial after a Lapse of Years.

1. Our Book of Discipline, chap. ix., sec. i., provides that if after a trial before any judicatory, new testimony be discovered which is supposed to be highly important to the exculpation of the accused, it is proper for him to ask, and for the judicatory to grant, a new trial.

2. It is very conceivable that after a lapse of five or six years, the sentence of an ecclesiastical court which was originally considered as just and wise, although no new testimony strictly speaking has appeared, may in the view of the Church appear under an aspect equivalent to new testimony, and calling for reconsideration, yet

3. Inasmuch as the frequent reconsideration of cases adjudged by the inferior judicatories, without the appearance of new testimony, admits of great and mischievous abuse, and might lead to an endless recurrence of reviews and reversals of former decisions, in the absence of a majority of the court pronouncing the same; it is evidently more regular, safe and for edification, when a review of a decision, without the disclosure of new testimony, is thought desirable, to refer the case to the next higher judicatory.—1833, p. 405.

3. If the Court Refuse to Grant a New Trial upon the Allegation of New Testimony, a Complaint may Lie.

a. A complaint from Mr. Francis Hindman against the Presbytery of New Castle, for not granting him a new trial in his case, agreeably to the resolution of last Assembly, having been put into the hands of the moderator, was read, together with several papers accompanying it [and referred to a Committee], who were authorized to call for other papers and to cite witnesses if they deem it necessary, and were directed to report to the Assembly the result of their attention to the subject.—1812, p. 496.

b. The Committee to which the complaint of Mr. Hindman against the Presbytery of New Castle, had been referred, reported, and the report being read, was adopted, and is as follows, viz.:

That having carefully examined the papers committed to them, and having heard Mr. Hindman in his own case, as also a member of the Presbytery of New Castle in explanation of their conduct, they find no cause of complaint against said Presbytery in their treatment of Mr. Hindman.—1812, p. 504.

4. Appeal remitted for New Trial on New Testimony.

The business left unfinished yesterday, viz., the consideration of the appeal of Mr. Todd, from the decision of the Synod of Kentucky, affirming a decision of the Presbytery of Transylvania, by which decision Mr. Todd was deposed from the gospel ministry, was taken up, and after considerable discussion of the subject of the appeal, the following resolution was adopted, viz.:

The Assembly having heard the documents in this case, were of opinion, that the way is not clear, at present, for the reversal of the sentence

of suspension; but as it appears to the Assembly, that Mr. Todd's opinions have not been perfectly understood; and whereas there appears to have been some irregularity, as to the nature of the testimony admitted on the trial before the Presbytery; therefore,

Resolved, That the Presbytery of Transylvania be directed to reconsider the case of Mr. Todd; to afford him another opportunity of explaining himself; and, if they should be satisfied, to restore him to his former standing.—1817, p. 666.

II. It sometimes happens, in the prosecution of appeals, that testimony, which had not been exhibited before the inferior judicatory, is represented to exist, and to be of considerable importance in the case.

III. Representations of this kind ought not to be lightly, or of course, sustained. But the superior judicatory ought to be well sa isfied, that the alleged testimony is of real importance, before they determine to put the inferior judicatory to the trouble of a new trial.

The Judicial Committee reported on the appeal of John Ward, from a decision of the Synod of Genesee; that having duly considered the case, they recommend, that on the ground of new testimony, the appellant be directed to apply to the church of Bergen for a new trial. The above report was adopted.—1829, p. 266.

IV. When such testimony, therefore, is alleged to exist, either by the appellant, or the judicatory appealed from, it will be proper for the superior judicatory to inquire into the nature and import of the testimony; what is intended to be proved by it; and, whether there is any probability that it will really establish the point intended to be established.

V. If it appear that the fact proposed to be established by the new testimony is important; that is, if it appear to be such a fact as, if proved, would materially alter the aspect of the cause; and if there be any probability that the testimony in question will be sufficient to establish the alleged fact, then the superior judicatory ought to send the cause back to the inferior for a new trial.

a. In the case of Rev. Geo. Sheldon (see Directory for Worship, chap. xi., sec. iii.), the Assembly sustained the inferior courts, and in answer to a protest, reply—

1. The action of the Presbytery in the case was irregular, only technically, and not in such a sense as to vitiate the substantial justice of the result. The case had been on trial during a period of some three years, and ample opportunity had been given in this period for the accused to defend himself.

2. Although it is asserted, that only extracts from Mr. Sheldon's letters were admitted in evidence, yet it appears that one letter, and the most important one, is given in full; that the extracts from the other letters are undisputed, and that these fairly and clearly present the truth in the case.

3. As to the alleged new evidence, it appears that it was before the

Judicial Committee of the Presbytery, and read in full before the Synod, and was unanimously decided by these judicatories to be no ground for reopening the case; and it also appears, that this testimony is wholly irreconcilable with statements made by Mr. Sheldon in the letters above referred to.

4. Inasmuch as the Assembly, after a full hearing of the case, by a vote of more than two-thirds, decided that there have been no material deviations from the rules of the Book of Discipline for conducting judicial cases, it is deemed unnecessary, at this late hour of their sessions, to reply further to the allegations of the protestants.—1858, p. 609, N. S.

b. The Committee to which the complaint of Mr. Hindman, against the Presbytery of New Castle, had been referred (see chap. ix., i.), reported, and the report being read, was adopted, and is as follows, viz.:

That having carefully examined the papers committed to them, and having heard Mr. Hindman in his own case, as also a member of the Presbytery of New Castle, in explanation of their conduct, they find no cause of complaint against said Presbytery in their treatment of Mr. Hindman.—1812, p. 504.

c. Rev. L. R. Lockwood asks that the Assembly direct the Presbytery of Dubuque to grant him a new trial, on the ground of new testimony.

The Committee recommend that this application be referred to the Presbytery of Dubuque, to the end that if the new testimony be found of sufficient importance to justify, that Presbytery may afford Mr. Lockwood the relief he asks. But if, in their judgment, a new trial ought not to be granted, that then the appeal shall stand for trial on the record as now existing, before the next General Assembly.

The report was adopted.—1866, p. 72, O. S.

[See under chap. vii., sec. iii., sub-sec. v.]

d. On Examining the New Testimony, the Decision Affirmed.

The consideration of Mr. Gwinn's appeal from the decision of the Synod of Pittsburg was resumed; and after considerable discussion the following decision in the case was adopted.

The Assembly, having carefully heard and considered the appeal of Mr. Andrew Gwinn from a decision of the Synod of Pittsburg affirming the judgment of the Presbytery of Ohio, adopted the following resolution, viz.: That whereas, in the judgment of this Assembly, it does not appear that the new testimony offered by Mr. Gwinn has in any important point changed the aspect of his case: therefore resolved, that the decision of the Synod in his case be affirmed.—1823, p. 90.

VI. Cases may arise, however, in which the judicatory appealed from, and the appellant, may concur in requesting the superior judicatory to take up and issue the appeal, with the additional light which the new evidence may afford. In this case, and especially if very serious injury is likely to happen, either to the appellant, or to the church, by the delay which a new trial would occasion, the superior judicatory may proceed to hear the new testimony, and to issue the appeal, with the aid of the additional light which that testimony may afford.

The Judicial Committee in the case of the complaint of Rev. James Smylie, from a decision of the Presbytery of Louisiana, in the case of the Rev. Dr. Scott, recommended the following, which was adopted:

There are three ways in which this complaint might be disposed of:

1. The Assembly might take it up, wade through the testimony, receive the new testimony, that, it is understood, the complainant wishes to offer, to decide the case. But against this course, besides other difficulties, it may be mentioned as a very serious one, that the bare reading of the records of the Presbytery would consume four or five days.

2. Another mode might be adopted, by referring the case for reconsideration to the Presbytery of Louisiana, who might be directed to take any new testimony that should be properly offered.

3. Or the General Assembly might remand the case to the Synod of Mississippi, to hear the complaint, and dispose of it in a regular and constitutional manner. This, it is deemed, would be the wisest course.

But, were either of these modes adopted, it would require a great consumption of time, and subject the judicature that might adjudicate on the case to great inconvenience, and no inconsiderable expense; and instead of resulting in practical good, might produce great excitement and consequences injurious to the peace and edification of an important section of our Church. The testimony is so voluminous, that to form a correct judgment on it, would require a retentive memory, patient attention, diligent comparison of its several parts, as well as a discriminating mind. It is to be regretted that the Presbytery sanctioned by their authority the publication of the speeches on both sides of the question.

The Committee after carefully deliberating on the subject were unanimously of the opinion, that if the case could be disposed of, consistently with the rights of Mr. Smylie, without remanding it to either of the inferior courts, and without the Assembly's adjudicating on it, all the ends of justice would be gained, and the peace of the church would be promoted. They therefore invited Mr. Smylie to a friendly interview, in which they expressed their opinion, and he stated his views. He did not concur with the Committee in regard to the probable consequences of the case being remanded to the Synod or the Presbytery; and stated that in prosecuting his complaint he was influenced by no personal feelings against Dr. Scott, but by a desire that truth might be sustained, justice done to all concerned, and the Constitution of our Church upheld; but if the Committee would, without his concurrence, assume the responsibility of recommending to the General Assembly to terminate the case without any further trial, and the Assembly should determine to adopt this as the wisest way of terminating it, he would submit, and feel that he had discharged a duty, which, while it was troublesome and painful, had put him to no inconsiderable expense.

It is due to the Rev. Mr. Smylie to say, that the Committee believe, that in prosecuting his complaint, he has been prompted by a sense of duty and a regard to the Constitution of our Church, and governed by what he deemed its purity and best interests required.

The Committee recommend to the Assembly the adoption of the following resolution:

Resolved, That in view of the representation of the case given in the above statement by the Judicial Committee, of the voluminous nature of the testimony, and of the difficulties attending the case, and believing that the interests of the Church will be best promoted by adopting the course recommended by the Committee, and being willing to assume the responsibility of acting accordingly, this General Assembly do hereby terminate this unhappy case without any further judicial trial.—1847, p. 385, O. S.

VII. When, however, the judgment of the inferior judicatory is reversed; and it is apparent that the new testimony had considerable influence in procuring the reversal; it ought to be so stated in the decision of the superior judicatory; inasmuch as it would be injustice to the inferior judicatory to reverse their decision, upon grounds which were never before them, without explaining the fact.

CHAPTER X.

JURISDICTION.

I. When a member shall be dismissed from one church, with a view to his joining another, if he commit an offence previous to his joining the latter, he shall be considered as under the jurisdiction of the church which dismissed him, and amenable to it, up to the time when he actually becomes connected with that to which he was dismissed and recommended.

[For the jurisdiction of the session over members non-resident, see under Book of Discipline, chap. xi., sec. iii., *a*, *b*, *c*. Over licentiates, see Form of Government, chap. xiv., sec. xi.]

1. **A Suspended Member may not be Received by another Church. If Received without Knowledge of the Facts, his name to be Stricken from the Roll.**

Overture from certain members of the Presbytery of Madison:

We desire to make the following statement and inquiries:

A person is (we will suppose) under suspension in one of our own churches. He removes, and unites, on examination, with another of our churches, the session of the latter one being wholly ignorant of his former membership, and, of course, of his suspension. The facts are, however, afterward discovered.

Would this discovery, of itself, vitiate his second membership, and leave him simply a suspended member of the former church?

Would unworthiness for church membership, clearly manifested, while in the latter church, and before said discovery, rightfully add any efficacy toward producing this result?

To the first of the above questions the Committee recommend an answer in the affirmative; to the second, if the question mean whether the session of the second church has jurisdiction in the case of unworthiness manifested in the second relation, the Committee recommend an answer in the negative; but if the question mean whether the unworthinesses manifested in the second relation be proper ground of separate process by the session of the first church, the Committee recommend an answer in the affirmative. In respect to the whole case, the Committee agree in the statement following:

The person, uniting with the second church on examination, unites de-

ceptively. So soon as the facts in the case are ascertained by the session of this second church, the proper order of procedure is, for this session, after conference with the accused person, to strike his name from their roll of church members as not under their jurisdiction, to communicate their action to the session suspending him, with the reasons for it, and to request the said session to proceed against him, on separate process, for duplicity and disorder.

The reply of the Committee was adopted.—1866, p. 269, N. S.

2. A Letter of Dismission takes Effect as soon as Granted, so far as Rights and Privileges are Concerned.

a. A letter of dismission, whether issued to a ruling elder or private member, terminates the relations of the person dismissed with the church giving the letter, except so far as said church is responsible for its watch and care over him during the period of transition.

b. These rights and privileges can be regained in that church by returning the letters of dismission to the authority which gave them.

c. These rights and privileges can be secured in any other church within the jurisdiction of this General Assembly, by virtue of such certificates, provided they are presented to the session thereof within one year from their date; and, until they are presented, such persons are amenable to the church from which the certificates were received.—1867, p. 512, N. S.

3. Members of an Extinct Church Amenable to Presbytery.

A church has been dissolved by the Presbytery, letters having been given the members to unite with any Evangelical Church where God may, in his providence, cast their lot.

One of these members holds such a letter more than eighteen months old, not having used said letter. Is such a member amenable to the Presbytery, and is the Presbytery under obligation to receive, entertain, and pass upon a complaint entered against such party, holding said letter?

The Committee recommend that this overture be answered in the affirmative, on the following grounds:

1. That every church member is amenable to some appropriate tribunal, and that, in the case specified in the overture, this tribunal must be the Presbytery.

2. That every member of a church continues to be amenable to that church, until he becomes regularly connected with another.—1869, p. 266, N. S.

II. The same principle applies to a minister, who is always to be considered as remaining under the jurisdiction of the Presbytery which dismissed him, until he actually becomes a member of another.

1. Jurisdiction over a deposed Minister is in the Presbytery which Deposed him.

a. The Presbytery of Des Moines deposed Rev. James H. Shields from the ministry. Subsequently, Mr. Shields applied for restoration, to the Presbytery of Keokuk, within whose bounds he resided at the time of his application.

The Committee on Polity also reported Paper No. 2. An overture from

the Presbytery of Keokuk, asking if they have jurisdiction over the case of James H. Shields, deposed by the Presbytery of Des Moines.

The Committee recommended to the Assembly, that the question submitted by the Presbytery of Keokuk be answered in the negative; and the recommendation was adopted.—1859, p. 18, N. S.

b. In the case of Rev. Michael Hummer, deposed by the Presbytery of Iowa, and restored by the Presbytery of Highland, the Assembly declare it irregular and unconstitutional for any Presbytery to receive and restore a member of another Presbytery who has been deposed.—1862, p. 608, O. S.

See under Form of Government, chap. x., sec. viii.

2. Where a Minister is Deposed, the Name should not be formally stricken from the Roll until the Proceedings are finally Issued.

The other paper is an inquiry, proposed to the Assembly by Fisk Harmon, of Swede Point, Iowa, respecting a case of discipline which has occurred in what he calls the Presbytery of D——. A minister is said to have been deposed, and the sentence of deposition to have been pronounced, but his name was not ordered to be stricken from the roll. The clerk, however, assumed the responsibility of erasing his name; and when the case was appealed to the Synod, and remanded by it to the Presbytery that new evidence might be presented by the appellant, and the deposed minister demanded that his name might be replaced on the roll before the Presbytery proceeded to the reception of the evidence, he was informed by the moderator that his name did not belong there. The inquiry is: "Can this new sentence of striking the name of the deposed minister from the roll be constitutionally inflicted without a new and regular trial?"

The Committee recommend the following reply:

As the name of every minister under trial must be properly on the roll of some Presbytery, it should not be finally erased until the completion of all the ecclesiastical proceedings connected with the case. In the present instance, the Assembly decide that the name of the minister referred to should be restored to the roll of the Presbytery, and retained until the case has been finally disposed of.—1869, p. 270, N. S.

3. A suspended Minister is under the Jurisdiction of the Presbytery which suspended him.—When Sentence has been Reversed for Informality, if Process is not commenced in Six Months, a Dismission in Good Standing may be claimed.

Mr. Bell had been suspended, and took an appeal to the Assembly, which was sustained.

The Committee appointed to prepare a minute expressive of the sense of the Assembly concerning the appeal of Joseph E. Bell, reported the following resolutions, which were adopted, viz.:

1. *Resolved*, That in the judgment of the Assembly, Mr. Bell was, and still continues to be, fully amenable to the Presbytery of Concord.

2. That while the Assembly do not wish to protect the guilty, they do judge that great caution, deliberation, and as far as may be, the rules of discipline, where ministerial character is impeached, ought to be strictly observed, and that in this case the informality was exceptionable.

3. That if it be deemed necessary for the good of religion, and the honor of the ministerial character, the Presbytery of Concord are entirely competent to commence a new trial. Or if Mr. Bell shall desire for his own sake a new trial, the door is still open.

4. That in the mean time Mr. Bell's ministerial character shall be considered regular; and if no process shall be commenced by either party within the space of six months, from the 1st of June next, then Mr. Bell may claim from the Presbtery of Concord, a dismission declaring him to be in regular standing.—1828, pp. 240, 241.

4. A Minister holding a Letter of Dismission is a Member of the Presbytery Dismissing him until received by another Body.

[Overture to the Synod of Ohio. When a member of Presbytery has taken a letter to join another Presbytery or association, what relation does he sustain to, and what rights and privileges has he in, the Presbytery from which he received the letter, during the time that intervenes between receiving the letter and uniting with that other Presbytery or consociation?

Answer by the Synod of Ohio. It is often a fact that dismissions are granted during the sessions of a Presbytery, to take effect at its close. This fact decides that in all ordinary cases all the rights and privileges of an individual in a Presbytery, cease the moment his request for a dismission is granted. He may, however, at any time before he has used it, return his letter, and then claim all his former rights and privileges; but until he has used his letter, he is amenable to the Presbytery. See Form of Government, chap. x., secs. 1, 2.—Minutes, Synod of Ohio, p. 225.]

The Committee on the Records of the Synod of Ohio, recommend their adoption, except

That the answer to the question above should be, "He is a member of the Presbytery until received by another body." Adopted.—1860, p. 239, N. S.

5. The Privileges of Membership cease with the Granting of the Letter.

The established rule of the Presbyterian Church, in relation to the dismission of a minister from his Presbytery, is, "that, in all ordinary cases, all the rights and privileges of an individual in a Presbytery cease when, at his request, his dismission is granted."

He may, however, within any reasonable time before he has used his letter of dismission, return it to the Presbytery, and then claim all his former rights and privileges; but, until he has used his letter, he is amenable to the Presbytery which has dismissed him. See Digest, chap. v., sec. ii., sub-sec. viii.—1867, p. 512, N. S.

6. While a Minister is in transitu he is a Member of the Presbytery which gave him his Letter.

Overture No. 5, from the Presbytery of Marion, as follows:

A minister receives a dismission to unite with a distant Presbytery, and travels in the region indicated, but does not remove his family. After an absence of months, perhaps of more than a year, he returns to the residence of his family. During his absence, however, the Synod sets off "all the ministers" of his Presbytery "residing north of the south line" of his county to form part of a new Presbytery. Holding the original certificate, to which Presbytery does he belong, and in case of the necessity of process for unministerial conduct, which Presbytery is bound to proceed in his case?—1864, p. 314, O. S.

It was

Resolved, That the minister in question be held to belong to the Presbytery which granted him the certificate.—1864, p. 314, O. S.

7. Ministers withdrawing from Presbytery Irregularly to be Stricken from the Roll.

a. Overture No. 5, viz.: A reference from the Presbytery of Chenango, asking advice in the case of the Rev. Edward Andrews, a member of their body, who has recently withdrawn and received Episcopal ordination, was taken up and committed to Mr. Crothers, Mr. Weed, and Mr. Farrand.—1828, p. 239.

The Committee on the reference from the Chenango Presbytery, in the case of the Rev. Edward Andrews, made the following report, which was adopted, viz.:

Resolved, as the sense of this Assembly, that though the conduct of Mr. Andrews was disorderly, it be recommended to the Presbytery to do nothing further in the case than simply to strike his name from the list of their members.—1828, p. 240.

b. The Committee on Overture No. 2, viz., a reference for advice from the Presbytery of St. Lawrence, reported the following resolution as a suitable answer to be given in the case, which was adopted, viz.:

Resolved, That when a minister otherwise in good standing gives notice, in form, to the Presbytery to which he belongs, that he renounces the fellowship of the Presbyterian Church, or by neglecting to attend the meetings of its judicatories, after being dealt with for such neglect, gives evidence that he has done so in fact, his name ought to be struck from the roll of membership, a notice of this procedure communicated to the disowned member, and, if necessary, published to the Church. The congregation under the care of such minister ought to be held as still under the care of Presbytery, unless they give evidence that they also have withdrawn, in which case their name ought also to be struck from the list of congregations belonging to the Presbytery.—1830, p. 305.

c. Overture No. 5, from the Second Presbytery of New York, asking the direction of the Assembly as to the action to be taken by Presbytery in the case of a member, who, without previous conference with his copresbyters, or without receiving a certificate of dismission, leaves the Presbytery, and abandons the ministry of the Presbyterian Church. The Committee recommend to the Assembly the adoption of the following resolution as an answer to the request of the Presbytery:

Resolved, That in such cases as that presented in the overture, the Presbytery ought simply to erase the name of the minister from the roll, provided he leaves the Church without being chargeable with fundamental error in doctrine, or immorality of life. Adopted.—1854, p. 17, O. S.

8. Such must Return to the Body from which they withdrew to be Restored.

See case of David Austin, under Form of Government, chap. x., sec. viii., 35.

III. If, however, either a minister, or a private member, shall be charged with a crime which appears to have been committed during the interval between the date of his dismission, and his actually joining the new body, but which did not come to light until after he had joined the new body, that body shall be empowered and bound to conduct the process against him.

1. If the Presbytery Dismissing have become Extinct, the Presbytery to which One Charged, as Above, Comes may Refuse to Receive Him; in that Case, the Jurisdiction is in the Synod.

See Form of Government, chap. x., sec. viii. 17.

2. Reception of a Member on a Qualified Letter is Void.

See Form of Government, chap. x., sec. viii. 21.

3. Jurisdiction over One Charged with Crime is in that Presbytery of which he was a Member when the Alleged Offence was Committed.

Overture No. 25, from the Presbytery of New Castle, asking the General Assembly to determine, whether that Presbytery, or the Presbytery of Cleveland, has jurisdiction of Rev. J. F. Severance. The facts in the case, appearing in the overture, are as follows: Mr. Severance was a member of the Presbytery of Wilmington (which was succeeded by the Presbytery of New Castle), but left the bounds of that Presbytery in 1868. In 1870, he was within the bounds of the Presbytery of Cleveland; and, after the reconstruction, twice sat in the Presbytery of Cleveland as a corresponding member from the Presbytery of New Castle. In September, 1871, he was received a member of the Presbytery of Cleveland, under the operation of Principle 5, adopted by the Assembly for the purpose of reconstruction.

Before the Presbytery of Cleveland adjourned the sessions at which Mr. Severance was received, that Presbytery obtained information, that rumors affecting the Christian character of Mr. Severance had come to the knowledge of the Presbytery of New Castle, and said Presbytery had appointed a Committee, to inquire into the facts, and correspond with Mr. Severance in regard to them; and this Committee had not been discharged, when Mr. Severance was received by the Presbytery of Cleveland. After the Presbytery of Cleveland had received this information from the Presbytery of New Castle, they reconsidered their action receiving Mr. Severance, and declared said action null and void. The question is, To which Presbytery does Mr. Severance belong? The Committee recommend the following answer: . . .

The decision of the Assembly, made in 1816, settles the principle that membership in any church judicatory is an entirety, and is not divisible. The judicatory is the judge of the fitness of an applicant for membership in it. The vote of the judicatory invests the applicant with all the rights of membership, of which he cannot be divested except by due course of discipline according to the Book. Hence, Mr. Severance is a member of the Presbytery of Cleveland, and that Presbytery has jurisdiction in his case.—1872, p. 72.

4. The Presbytery within whose Bounds an Offence is Committed fulfills its Duty in Notifying the Presbytery to which the Offender Belongs.

When it is alleged that a minister has committed an offence in the bounds of a Presbytery of which he is not a member, the Presbytery in the bounds of which it is alleged the offence was committed. has performed its entire duty in the premises when it notifies the Presbytery to which he belongs, of the allegation and the grounds on which the allegation is based.

The report was adopted.—1869, p. 922, O. S.

IV. No Presbytery shall dismiss a minister, or licentiate, or candidate for licensure, without specifying the particular Presbytery, or other ecclesiastical body, with which he is to be connected.

1. Presbytery must Specify the Body to which a Member is Dismissed.

Resolved, That, whereas it is a fundamental principle of the government and discipline of the Presbyterian Church, that every minister of the gospel belonging to it be subject, at all times, to his brethren in the Lord, and accountable to them for the orthodoxy of his principles, and for his moral, religious, and orderly deportment; it is therefore,

Ordered, That every Presbytery under the care of this Assembly, whenever they dismiss a member, be careful particularly to specify with what Presbytery, association, or classis, or other religious body, he is to be associated after his dismission (to which some of the Presbyteries do not appear to have been sufficiently attentive); and that every member so dismissed be, in all cases, considered as amenable to the Presbytery which has dismissed him till he shall become connected with the ecclesiastical body which he shall have been directed to join.—1806, p. 351.

2. The Dismission may not be by a Standing Committee.

See Form of Government, chap. x., sec. viii. 23.

CHAPTER XI.

LIMITATION OF TIME.

I. When any member shall remove from one congregation to another, he shall produce satisfactory testimonials of his church membership and dismission, before he be admitted as a regular member of that church; unless the church to which he removes has other satisfactory means of information.

1. A Certificate of Dismission should be Required.

Nor can the Assembly forbear to regret that the session of the church of Chillicothe had not acted in a more formal manner in receiving Mr. McCalla, and had not required a regular certificate of dismission from the church to which Mr. McCalla belonged before they received him.—1821, p. 21.

2. To Receive Members of Churches of our own Connection without a Certificate is Irregular.

The same Committee reported an overture, asking if it be in accordance with ecclesiastical law, and order in the Church, to receive members of another church who have not been regularly dismissed, with a view to such change of relation.

The Committee recommended that, so far as churches in our own con-

nection are concerned, the question be answered in the negative, and refer to the Book of Discipline, chap. xi., sec. i.

The report was adopted.—1868, p. 58, N. S.

3. Dismission to Join another Denomination.

a. Resolved, That in all cases where members of any of our churches apply for dismission to unite with a Church of another denomination, the proper course is to give a certificate of Christian character only.—1839, p. 177, O. S.

b. The Presbytery of Hudson requesting that this rule be rescinded, the Assembly replied:

The Presbytery of Hudson has misapprehended the spirit and scope of the resolution in question. It is neither a censure on the individuals, nor the churches to which they seek to be dismissed, but sets forth the only fact which it is important that those churches should know.—1848, p. 22, O. S.

4. The Form of Dismission to other Denominations left to the Discretion of the Session.

Shall members of our churches, who may wish to join churches not in correspondence with the General Assembly, receive certificates in the same form as if they wished to join another church, in our communion, or in correspondence with the Assembly; or has the church session done all that it ought to do, when in such cases the good and regular standing of the persons so applying is duly certified?

On motion, the answer recommended by the Committee was laid on the table, and the following, after amendment, was adopted, viz.:

Resolved, That this whole subject is one that ought to be left to the sound discretion of the various church sessions, according to the Constitution of the Presbyterian Church.—1851, p. 28, O. S.

[See Discipline, chap. i., sec. iii., 12, *a.*]

5. The Dismission may be Indefinite.

Is it regular in any case for a church session to dismiss a member without specifying the particular church with which he is to be connected?

At the recommendation of the Committee, the question was answered in the affirmative.—1853, p. 444, O. S.

6. Dismission of a Suspended Member.

Is it orderly in any case to dismiss to another church a suspended member, stating the case, and submitting it to the session to which he has removed?

It may be orderly in circumstances of necessity arising from removal to an inconvenient distance, provided that in no instance the session to which he be dismissed be allowed to review or rejudge the case.—1849, p. 239, O. S.

7. A Suspended Person being Restored by the Superior Courts may Claim Dismission in Good Standing.

a. In regard to the complaint of Mr. Dobbins, against the session of the church of Augusta, for receiving members suspended by the session of the church of Smyrna, the Assembly are of opinion that both sessions acted unconstitutionally: the session of Smyrna in suspending said members, and the session of Augusta in receiving them when suspended. Therefore,

Resolved, That the appeal, on this complaint, be and it is hereby sustained; and the members in question are hereby declared to be still members in good standing in the church of Smyrna; and the session of the church of Smyrna are hereby directed to dismiss said members if they still desire it, that they may regularly connect themselves with the church of Augusta.—1824, p. 124.

b. Resolved, That the Presbytery of Nashville having fully exonerated the appellant from all blame in the matters respecting which he was charged before the session of the church at Clarksville, his character is unimpeached, and that he is now, and ever has been since the action of the Presbytery in his case, entitled to a dismission from the church at Clarksville, whenever applied for, in order to connect himself with any church in the vicinity of his present residence.—1849, p. 237, O. S.

8. A Dismission may be Irregular, yet Valid.

A memorial from individuals in the Presbytery of Concord, formerly under the pastoral care of the Rev. Mr. Davies, asking the Assembly to determine whether they are to be considered members of the Prospect church, or whether their dismission from the church of Centre is to be considered null and void. The Committee recommended that the Assembly, while not approving of the haste and confusion with which their dismission was given, declare their actual connection with the church of Prospect now to be valid and regular. The recommendation was adopted. —1849, p. 266, O. S.

9. Members Removing should be Furnished with Testimonials of Standing, and should be Counseled to Transfer their Relations.

Overture No. 36, from the Presbytery of Iowa, asking the Assembly to make it the duty of every church to give a letter of dismission to every member when removing to another locality where there is a Presbyterian church, etc. The following answer was adopted:

The Committee recommends that it be enjoined upon the sessions of our churches, on the removal of any members beyond the boundaries of their own organizations, to furnish such members, whether in full communion or members by baptism only, with testimonials of their standing; which testimonials it shall be the duty of such persons at once to present to some church of our connection, and the sessions shall earnestly counsel these members to transfer their relation immediately, if practicable, or at the earliest opportunity.

Also, that in case but a single organization of our order is within reach of the parties so removed, the sessions having care of them shall transmit to that church session a copy of the testimonials foregoing; if there be more than one such organization, then the parties transferred may elect to which organization these testimonials shall be sent.—1869, p. 923, O. S.

10. Churches Receiving Members by Letter should Notify the Church from which they come.

Overture No. 1, from the Presbytery of Neosho, on the dismission of church members.

The Committee recommend the following action:

Resolved, That the General Assembly urge upon the sessions of churches the importance of giving to members who remove from them either letters of dismission and recommendation to a particular church, or, in case of

uncertain destination, letters of credence, and that, on the reception of members from other churches, they notify immediately the church from which the member has been dismissed. And they also urge upon all our churches the use of the printed blanks for the dismission and reception of members furnished by our Board of Publication.—1871, p. 587.

II. No certificate of church-membership shall be considered as valid testimony of the good standing of the bearer, if it be more than one year old, except where there has been no opportunity of presenting it to a church.

[It is not meant by this that a member may not be received on a certificate as above, but that it leaves the matter to the discretion of the session, and makes inquiry into the circumstances a duty. A certificate is *prima facia* evidence of church membership. Its age may call in question the fidelity of the member. If satisfied, the session may receive him upon it.]

III. When persons remove to a distance, and neglect, for a considerable time, to apply for testimonials of dismission and good standing, the testimonials given them shall testify to their character only up to the time of their removal, unless the judicatory have good information of a more recent date.

1. **The Standing of Members Absent and Unknown.—Such Absence without Certificate itself Censurable.—If Willful, they should be Suspended.**

a. The Committee appointed on the overture from the Synod of New Jersey, inquiring what a church session ought to do with members in communion who have been absent for years without having taken a certificate of dismission, and whose place of residence is unknown, made a report, which, being read and amended, was adopted, and is as follows, viz.:

That although this particular case is not provided for by a specific regulation in our Book of Discipline, yet it is embraced by certain general principles, which are recognized in that book, and interwoven with many of its provisions. These principles, together with the result bearing on the case in question, the Committee beg leave most respectfully to state:

1. Every church member is amenable to some appropriate tribunal, by the wisdom and fidelity of which, in case of his falling into any error, immorality or negligence, he may be dealt with according to the word of God.

2. No member of a church can properly ever cease to be such but by death, exclusion, a regular dismission, or an orderly withdrawing to join some other Christian denomination; and must of necessity continue to be amenable to that church until he becomes regularly connected with another.

3. For a church member to withdraw from a use of his privileges as a member, either by irregularly connecting himself with another denomination, or by going to a distant part of the world to reside for a number of years, without making known his removal to the church session, and asking a certificate either of good standing, for the purpose of enjoying occasional communion elsewhere, or of dismission, to join some other church,

is itself a censurable violation of the principles of church fellowship, and may infer suspension from its privileges.

4. Church members, therefore, who have been absent for a number of years in unknown places, are by no means to have their names erased from the churches to which they respectively belong, but are to be held responsible to their respective churches; and if they should ever return, or be heard from, are to be regularly dealt with according to the word of God and the principles of our Church; and although great caution and tenderness ought to be exercised toward those whose withdrawing from Christian privileges may be occasioned by the unavoidable dispensations of Providence, without any material fault of their own, yet in all cases in which a church session has good reason to believe that any of the church under their care have absented themselves with design, either from a disregard of Christian privilege or from a wish to escape from the inspection and discipline of the Church, they ought, without unnecessary delay, to declare such persons suspended from the privileges of the church until they give evidence of repentance and reformation, and of course, in making their statistical reports, ought to enumerate such among the members under suspension.—1825, pp. 138, 139.

b. A Session Sustained for Suspending Members for Absenting Themselves for Years without Certificate.

The records of the Synod of New York and New Jersey were approved, with the exception of the action of the Synod (p. 381) in relation to the course of the Presbytery of North River in the case of delinquent church members.—1853, p. 323, N. S.

[The record referred to is as follows, viz.: "The Committee on the Records of the Presbytery of North River reported, recommending that they be approved as far as written, with the following exception, viz.: On page 18 the Presbytery refused to sustain the following exception to the records of the session of Freedom Plains, viz.:

That several members of the church have been suspended by the session simply for having absented themselves for years, and having gone beyond the knowledge of the session without applying for certificates. The report was adopted.—*Minutes of the Synod of New York and New Jersey.*]

In answer to a protest against the above, the Assembly reply:

It is fully conceded and firmly maintained by the General Assembly that, in all cases where an offender can be reached by citation and brought to trial, it is the duty of the judicatory to which he is directly amenable, to proceed against him according to the process prescribed by the Book of Discipline.

But the action complained of by the dissentients relates to a very different class of cases. The individuals in question have absented themselves from the church with which they are connected, and after diligent inquiry cannot be found. They are, therefore, beyond the reach of citation. They cannot possibly be brought to trial. Shall the Church, in such cases, be responsible for them? As they have placed themselves beyond the oversight of the Church, it is but reasonable that the Church should be permitted to secure itself against any reproach which might come upon it from the conduct of such absentees.

In accordance with these principles, the Constitution of our Church makes provision (Book of Discipline, chap. xi.) for the case of absent church members. It relieves the Church from the responsibility of sustaining a certificate of good standing when it has run on for more than

one year. It implies that a church member may not absent himself a longer time from the ordinances, without a forfeiture of his good standing. In those cases, therefore, where individuals have absented themselves for years together, and after the most diligent inquiry cannot be found, it is but right that the session of the church to which they are amenable should make entry of the fact on their records, and declare such persons to have forfeited their good standing, until they return and account for their absence. Such was the judgment of the Assembly of 1825, with which this Assembly perfectly accords.—1853, p. 327, N. S.

2. Such Members to be Entered on a Reserved Roll and not Reported in the Statistics.

Overture No. 9, from the Presbytery of Cedar, asking the General Assembly to authorize our church sessions to keep a reserved roll, upon which shall be entered the names of church members who have removed beyond their bounds without letters, and whose residence is unknown, and who shall not be reported in our statistical reports.

The Committee recommend that this request be granted.

The report was adopted; and it was accordingly ordered, that sessions be so authorized.—1856, p. 521, O. S.

3. After Two Years of such Absence he is not to be Reported.—Returning, he is to be Called to Account.

Also a report on Overture No. 20, which asks directions how church sessions ought to proceed with regard to members who have been absent several years without taking a dismission. They recommend that the overture be answered by saying:

1. That members of the Church do not cease to be such except by death, dismission, excommunication, or by connecting themselves with some other Christian Church. And hence that a member does not lose his membership by absence. See Minutes of the General Assembly for 1825, p. 255; Digest, p. 34.

2. That when a member is absent two years and his place of residence and Christian life are unknown to the session, they shall mark him on the roll of the church as absent; after which time such member shall not be counted in the statistical report of the church to the Presbytery, nor in any action of the church or congregation which requires the concurrence of a majority of the church in order to give it validity. And on the return of such member the session shall call him before them and inquire concerning his deportment during his absence, and shall restore his name to the roll of actual members, or proceed to administer discipline according as the case may require.

The report was adopted.—1865, p. 590, O. S.

IV. If a church member have been more than two years absent from the place of his ordinary residence and ecclesiastical connexions, if he apply for a certificate of membership, his absence, and the ignorance of the church respecting his demeanor for that time, shall be distinctly stated in the certificate.

See complaint of Rev. N. West against the Synod of New York, under Discipline, chap. i., sec. iii., 12, *a*.—1864, p. 328, O. S.

1. Names of those Absent more than Two Years not to be Returned in Statistical Reports.—Absent Members Urged to Write where they Reside.

Overture No. 34, from the Presbytery of Newark, requesting the Assembly to propose an amendment to the Book of Discipline, chap. xi., sec. iv., providing for the cases of members who have been more than two years absent from their ecclesiastical connection; also, No. 35, from the Presbytery of Cedar Rapids; No. 36, from the Presbytery of Lackawanna; and No. 37, from the Presbytery of Maumee; all on the same general subject.

The Committee recommend the following: That, while the Constitution of the Church provides for no demission of her members, or the striking off of names from her roll, save as the result of death or of excommunication, it may nevertheless be well for each church to record, on a separate list, the names of those who have been absent for more than two years from their church relations, and whose residence is unknown; and names thus recorded may be omitted in the statistical returns of the church.

It is further the sense of this Assembly, that great pains be taken by the sessions of the churches to ascertain the places of residence of absent members, and encourage them to enter into church relations, if opportunity occurs, where they reside. Adopted.—1872, p. 89.

V. Process, in case of scandal, shall commence within the space of one year after the crime shall have been committed; unless it shall have recently become flagrant. It may happen, however, that a church member, after removing to a place far distant from his former residence, and where his connexion with the church is unknown, may commit a crime, on account of which process cannot be instituted within the time above specified. In all such cases, the recent discovery of the church membership of the individual, shall be considered as equivalent to the crime itself having recently become flagrant. The same principle also applies to ministers if similar circumstances should occur.

1. Limitation not to be Plead against the Order of a Superior Court.

[In a case carried by complaint to the Synod of Mississippi, the Synod referred the whole matter back to the Presbytery. The Presbytery entered upon the case; but, finding that two years had elapsed since the act was committed, declined to proceed further, on the ground of the limitation above.] The Assembly declared:

That the Presbytery of Louisiana erred in pleading the limitation of time for their noncompliance with the resolution of Synod, referring this whole case to them for a full investigation.—1850, p. 481, O. S.

2. The Plea is Good where the Offence was Known to Members of the Judicatory more than a Year before Process was Begun.

Overture No. 19 was then taken up from the docket, which is as follows:

When a church session has tabled charges against a church member for falsehood, and summoned the accused with the witnesses, is it competent for the session to dismiss the charges on the plea of the accused that a prosecution is barred by the limitation of time in chap. xi., sec. xv., of the Discipline ("Process in case of scandal, etc."), the alleged crime having been committed and "become flagrant," and known to members of session more than twelve months before process was instituted?

The Committee recommended that this inquiry be answered in the affirmative. Adopted.—1857, p. 42, O. S.

BOOK III.

THE DIRECTORY FOR WORSHIP.

CHAPTER I.

OF THE SANCTIFICATION OF THE LORD'S DAY.

1. It is the duty of every person to remember the Lord's day; and to prepare for it, before its approach. All worldly business should be so ordered, and seasonably laid aside, as that we may not be hindered thereby from sanctifying the Sabbath, as the Holy Scriptures require.

1. The Assembly Petition Congress against Carrying and Distributing the Mails upon the Sabbath.

a. The petition of the General Assembly of the Presbyterian Church in the United States of America, to the honorable the Senate and House of Representatives of the United States, in Congress assembled:

Humbly Sheweth—That your petitioners view with deep regret the infractions of the Lord's day, occasioned by the opening of the mail on that day, and the circumstances accompanying such opening.

A variety of considerations, temporal and spiritual, combine, in the judgment of your petitioners, to produce this regret. The institution of the Sabbath by the Creator and Ruler of the world, whilst it clearly proves his benevolent regard for men, imposes upon them the reasonable obligation of devoting this day to his service. He makes it their duty to rest from the toils and labors of six days, and requires from them that they should statedly assemble together for his worship on the seventh. Both these objects contemplated by the institution of the Sabbath, the opening of the mail on that day and the circumstances accompanying it, do contravene and oppose. They who carry the mail and they who open it, together with those to whom letters or papers are delivered, under the sanction of civil law, neglect the public worship of God in part or whole. Besides this, the noise and confusion attending the carrying and opening of the mail in post towns, too frequently in a most painful manner disturb the devotion of those who prefer their spiritual to their temporal interests. Moreover, the carrying of the mail encourages persons to hire out their carriages on the Lord's day to those who have no fear of God before their eyes, thus adding to the open violation of the day; and to say no more, the brute creatures are made to work on this day over and above the six days, and thus are deprived of the rest to which they are entitled by the authority of God, whilst they are forced to administer to the cupidity of those who forget the truth, that "the righteous man is merciful to his beast."

Your petitioners are the more deeply impressed with the importance of observing the Sabbath, on account of the influence which such observance has in promoting true morality and social happiness.

On this day all classes of men assemble together in the presence of God on terms of perfect equality, for in his presence the ruler is not more important than the ruled, since both meet as sinners needing the exercise of sovereign and free mercy.

On this day they are taught from the Scriptures, the only source of truth, their duty, their interest and their happiness.

On this day they unite according to the direction of God, in prayer for all men—for magistrates as well as subjects—for the nation as well as individuals—for every description of persons.

On this day they manifest the gratitude which they owe to God for benefits received, thanking him for his mercies, and supplicating his grace.

The effects arising from the duties in which they engage, the instruction which they receive, and their assembling together before God, are all calculated to produce such a state of heart and such a line of conduct, as directly promote individual and social happiness.

Your petitioners are aware of the plea which is used to justify the infractions of the Sabbath, of which we complain. Works of necessity, such as arise out of extraordinary circumstances, or such as are unavoidable for the support and comfort of life, together with works of charity, are admitted to be lawful, for God delighteth in mercy rather than sacrifice. But your petitioners cannot conceive that the ordinary occupations of life, in ordinary times, or the exercise of charity, require such infractions of the Sabbath as are occasioned by the carrying or opening of the mail on that day. For the cases of sickness, to take one of the strongest and most plausible facts included in the plea of necessity, which are communicated by the mail, are too few, and happen at intervals too long, to justify the habitual breach of the Sabbath. As to the ordinary business of life, any prospect of gain, or fear of loss, cannot be admitted as legitimate causes for disobeying the command of God to keep the Sabbath holy. No one ever yet has suffered, or will suffer, in obeying God, rather than his cupidity, his ambition, or his lusts.

Your petitioners, moreover, feel themselves constrained in their office as rulers in the Church, to exercise the discipline of that Church against those of their members who break the Sabbath in the carrying or opening of the mail on that day. In doing this they are not conscious of any disrespect to the civil authority of the land. They wish to render unto Cæsar the things which are Cæsar's, but must, at every hazard, render unto God the things which are God's. In thus honoring God more than men, they trust their motives will be respected, and their conduct approved.

Your petitioners are the more deeply impressed with the importance of a strict observance of the Sabbath, and the necessity of an alteration in the existing regulations of the post-office, as far as they relate to the Sabbath, from the prospect of a war. As they firmly believe in the special providence of God, and that this providence is exercised according to those principles of truth and equity revealed in the Scriptures, they fear, and have just reason to fear, that the infractions of the Sabbath allowed by civil law, will draw down upon our nation the divine displeasure. God honors those who honor him, and casts down those who forget him. Obedience to his will adds dignity to rulers, and enforces subjection in those who are ruled.

From all these considerations which have been given in detail, your

petitioners pray for such an alteration in the law relative to the mails, as will prevent the profanation of the Sabbath, which now takes place in conveying and opening the mail. And your petitioners, as in duty bound, will ever pray, etc.

Ordered, That this petition be signed by the moderator, and attested by the clerk, and be committed to the moderator to forward to Congress.—1812, p. 513.

b. Dr. Flinn, to whom was committed the petition of the last Assembly to the Congress of the United States, on the subject of carrying and opening the mail on the Sabbath, reported that he put the petition into the hands of Mr. Cheves, a member of the House of Representatives, who afterward informed him that the prayer of the petition was not granted. 1813, p. 519.

c. In 1814 a petition on the same subject was prepared, and the Presbyteries directed to take order for circulating the same, and forwarding it to Congress.—1814, p. 566. For like action see 1815, pp. 597, 601.

II. The whole day is to be kept holy to the Lord; and to be employed in the public and private exercises of religion. Therefore, it is requisite, that there be a holy resting, all the day, from unnecessary labors; and an abstaining from those recreations which may be lawful on other days; and also, as much as possible, from worldly thoughts and conversation.

Deliverance on the Profanation of the Sabbath.

a. The Committee to whom was referred the overture respecting the profanation of the Lord's day, presented the following resolutions, which were adopted, viz.:

1st. *Resolved*, That this Assembly regard with pain and deep regret the profanation of the Lord's day, which exists in our country in various forms, and which is calculated in an alarming degree to create a neglect of public worship, a contempt of the authority of Almighty God, a corruption of morals, and eventually to bring down the judgment of God on our land.

2d. *Resolved*, That the Assembly repeat the warnings which have heretofore been frequently given on this subject, and do solemnly and earnestly exhort the churches and individuals in their connection to avoid a participation in the guilt of profaning this holy day.

3d. *Resolved*, That it be earnestly recommended to the ministers of the Presbyterian churches who have pastoral charges, frequently and solemnly to address their people on the subject of the sanctification of the Lord's day, and to urge its vital importance to our moral, social and civil, as well as religious welfare.

4th. *Resolved*, That it be solemnly enjoined on all the Presbyteries and church sessions in our connection to exercise discipline on their respective members whenever guilty of violating the sanctity of the Sabbath; and that an inquiry should be annually instituted in each Presbytery relative to this subject; and that each pastor should at the earliest opportunity practicable present this subject in all its solemn importance to the session of the church under his pastoral charge, and invite the co-operation of its members in all proper and prudent measures for the suppression of Sabbath-breaking:—and further, that it be recommended to all our ministers and church members when traveling, to give preference to such livery es-

tablishments, steamboats, canal boats and other public vehicles, as do not violate the law of God and of the land in relation to the Sabbath.—1826, p. 182.

b. Discipline to be Enforced for Violation of the Sabbath.

Resolved, That this Assembly renewedly enjoin upon their Presbyteries and churches the duty of enforcing the discipline of the Church in every case of a violation of the Sabbath.—1828, p. 242.

c. The desecration of the Sabbath is certainly increasing with fearful rapidity in almost every part of our beloved country. A solemn and alarming crisis has already come. Unless the slumbering energies of the Church are speedily aroused to arrest the progress of this growing evil, the entire obliteration of the Sabbath will at no distant period be the result. It is necessary only to look into our large cities and villages on the Sabbath, or to glance the eye along our navigable rivers and over our beautiful lakes, or to trace the extended lines of our canals and railroads, or listen to the perpetual rumbling of loaded vehicles on all our traveled routes, in order to be convinced that Sabbath-breaking has already become a sin of giant growth in our land. It is, indeed, a wide-spread, deep-seated, unblushing evil. It enters boldly into almost every commercial interest in the country, and embraces, directly or indirectly, in its broad sweep of mischief, a vast multitude of individuals; and what is still worse, an alarming proportion of these offenders belong to the Church of the living God. Here is the root of the evil. The Church has become a deliberate partaker in this great sin. In this way has her warning voice been wellnigh silenced, her redeeming power over the community paralyzed, and the salutary restraints of a consistent example effectually vacated. Reformation, then, must begin at the house of God. If the Church alone can save the Sabbath from being abolished, she must first reform her own conduct. In entering upon the work, it must not be forgotten that in its failure or success are involved the best interests of the Church, of our country and the world. The rest of the Sabbath is the only wise and adequate provision for the wants of the animal system. The influence of the Sabbath can alone be relied on to sustain our free institutions, to extend the empire of law, to preserve domestic order and happiness, and to continue the bare existence of morality and religion in the world. The abandonment of the Sabbath is, therefore, nothing less than resigning all that is sacred and dear to a Christian people for time and for eternity. It is certain that whatever is done to rebuke and arrest the profanation of the Sabbath, must be done immediately. The work of reform cannot be delayed without hazarding the irretrievable loss of all the blessings which flow from the observance of that day. The task has already become formidable and difficult. It is not, however, altogether hopeless. The Sabbath may yet be restored, and its blessings perpetuated. The Church and the ministry can, under God, do all that the exigency demands. Let this Assembly do their whole duty; let them lift up a voice of strength; let them send out a loud note of alarm; let them determine, in the strength of the Lord, to carry out, in their practical relation to the Sabbath, the true principles of Christian discipline, and the whole Church may be cleansed, the Sabbath reinstated, and this great and guilty nation saved. Till this is done, the power of every other Christian enterprise will be circumscribed and fluctuating. Nothing that is pure and holy can flourish without the Sabbath. The Sabbath reform is the fundamental enterprise. It is utterly vain to think of substituting any other con-

servative power. The question of rescuing the Sabbath from general profanation is, absolutely, a question of life and death to every Christian denomination in the world. Such is the momentous nature of the subject under consideration. Your Committee rejoice that in this work all hearts may unite and every minor difference be forgotten. Here is common ground. The Sabbath of the Lord is the inheritance of all true Christians, and there is work enough for all. The Church must revive her wholesome discipline. The ministry must cry aloud and spare not. The press must be enlisted—the *whole* community aroused. The entire instrumentality which God has prepared for preserving his own institutions must be called forth, and kept in untiring requisition. For the purpose of enabling the General Assembly more effectually to speak their sentiments to the churches and the nation, your Committee recommend the adoption of the following resolutions:

1. *Resolved*, That the observance of the Sabbath is indispensable to the preservation of civil and religious liberty, and furnishes the only security for eminent and abiding prosperity, either to the Church or the world.

2. *Resolved*, That the growing desecration of the Sabbath in our country must be speedily arrested, and the habits of the community essentially reformed, or the blessings of the Sabbath, civil, social and religious, will soon be irrecoverably lost.

3. *Resolved*, That inasmuch as the work of a general reformation belongs, under God, to the Christian Church, it is the duty of the Church to apply the corrections of a firm and efficient discipline to all known violations of the Sabbath on the part of her members.

4. *Resolved*, That inasmuch as ministers of the gospel must act a conspicuous part in every successful effort to do away the sin of Sabbath-breaking, it is their duty to observe, both in their preaching and their practice, the rule of entire abstinence from all profanation of the Lord's day, studiously avoiding even the appearance of evil.

5. *Resolved*, That in the judgment of this General Assembly, the owners of stock in steamboats, canals, railroads, etc., which are in the habit of violating the Sabbath, are lending their property and their influence to one of the most widespread, alarming and deplorable systems of Sabbath desecration which now grieves the hearts of the pious, and disgraces the Church of God.

That it be respectfully recommended to the friends of the Lord's day, as soon as possible, to establish such means of public conveyance as shall relieve the friends of the Sabbath from the necessity under which they now labor, of traveling at any time in vehicles which habitually violate that holy day, and thus prevent them from being in any way partakers in other men's sins in this respect.

6. *Resolved*, That the power of the pulpit and the press must be immediately put in requisition on behalf of a dishonored Sabbath, that the magnitude and remedy of the evils which its violation involves may be fully understood by the whole community.

7. *Resolved*, That this Assembly solemnly enjoin it upon the churches under their care to adopt, without delay, all proper measures for accomplishing a general and permanent reformation from the sin of Sabbath-breaking and all its attendant evils.

8. *Resolved*, That a Committee of one from each Synod under the care of this Assembly be now appointed to hold correspondence with ministers and churches, for the purpose of carrying out and applying the leading principles of the foregoing report and resolutions.

9. *Resolved*, That the foregoing report and resolutions be published in

such newspapers, secular and religious, as are friendly to the observance of the Sabbath.

10. *Resolved*, That all the ministers in the bounds of the General Assembly be requested to read the document on the Sabbath from their several pulpits, and preach on the whole subject which it embraces on or before the third Sabbath of September next.—1836, p. 281.

2. For the better Observance of the Sabbath.

The Committee to whom was referred Overture No. 5, to wit, A memorial from the Presbytery of Cleveland on the subject of Sabbath mails, having been instructed to report on the general subject of Sabbath desecration, submit the following:

In the deliberate judgment of your Committee, it is an unquestionable fact that, in despite of all which has been said and done to check it, the profanation of the Lord's day is, on the whole, increasing. There are, indeed, some local and cheering exceptions to this remark, which we are happy to acknowledge. As a national sin, however, it steadily gathers strength, and puts on a more unblushing face every year. We hear much of the moral machinery which has been set in motion for the salvation of our country and of the world—of the blessed light of the nineteenth century, and the glory of our free institutions. Too often do we seem to forget that the very institution which is the chief support of liberty, learning and religion, is itself standing in fearful jeopardy. All those whose lot is cast in any of the great centres of business, or on any of the principal avenues of intercommunication, know that what your Committee assert is true. Their own eyes have seen it, their own ears have heard it, and their hearts have bled over it a thousand times. It is, in fact, universally conceded, that the desecration of the Sabbath has become a giant evil, calling loudly for the most efficient measures of reform. Your Committee desire not unnecessarily to publish the faults of the Christian Church. But they are compelled to confess, that in many parts of the country the frequent violations of the Sabbath by ministers of the gospel, and by other professors of religion, is a serious obstacle in the way of all attempts at radical and permanent reformation. Till the ministry and the Church have purified themselves, all else will be, as it has been, "beating the air." Traveling on the Sabbath, a practice to which the convocation of the highest judicatory of our Church lends its guilty sanction; voluntary participation in enterprises and improvements which are prosecuted at the expense of the Sabbath; the legalized profanation of this holy day by the transmission of the mail on all the principal routes; and the frequent neglect of Church discipline, are among the many causes of the rapid spread of this enormous evil. The bare enumeration of these causes suggests the proper remedy. Resolutions, addresses, conventions, and all the stirring appeals which the subject has called forth, are, by themselves, utterly ineffectual. The leviathan with which we are now contending is not to be so tamed. A more potent corrective must be applied, or we shall become more and more a nation of Sabbath-breakers. The Church undoubtedly possesses the power to cleanse her own garments, and till she has done this, she has no strength to put on for the reformation of others. Having done this, the next step will be to lift up a united voice against all that immoral legislation behind which the sin of Sabbath-breaking now stands entrenched. What has been found true in the "Temperance Reform," will be found true in the "Sabbath Reform." The sanction of law must be removed from

every evil which you would frown upon and exterminate. To do this, the public mind must be waked up, and held awake till the combined energy of patriotism and piety is enlisted and pledged for the protection of the Sabbath against every tangible form of profanation and abuse. Your Committee accordingly recommend for your adoption the following resolutions, viz.:

Resolved, That this Assembly regard the prosecution of a journey on any part of the Sabbath, whether by ministers, elders or church members, for the sake of convenience or of avoiding expense, as deserving of special notice and unqualified disapprobation.

Resolved, That this Assembly affectionately urge upon all the judicatories of the Church to take suitable measures for enforcing the wise discipline of the Church against all violations of the Sabbath within their own cognizance and jurisdiction.

Resolved, That it is the duty of the Christian ministry to unite in more concentrated and persevering effort to assert the claims of the Christian Sabbath upon the habitual regard of the whole community.

Resolved, That the Assembly will give its most cordial approbation to any and every wise plan for uniting the sympathies and strength of all evangelical denominations in defence of the Christian Sabbath.

Resolved, That a Committee of nine be appointed to correspond with other evangelical denominations on the subject of measures for promoting a better observance of the Lord's day.

Resolved, That the clerks of this Assembly be requested to cause these resolutions to be officially published and circulated as widely as possible, through the religious press, and that all ministers within our bounds be requested to present them before their respective congregations.—1838, pp. 658, 659, N. S.

[See also Minutes, 1840, p. 14; 1843, p. 13; 1846, p. 15, N. S.; 1859, p. 534; 1861, p. 316, O. S., for substantially the same action.

3. Church-Sessions enjoined to greater Fidelity.

The Committee on Bills and Overtures made a report on the subject of the Sabbath, which was adopted, and is as follows:

The Assembly are at a loss what to say more than what they have repeatedly said, by way of urging on all our churches and congregations, and the community generally, a better observance of the holy Sabbath. Of its divine original and authority we have no doubt. Nor can we doubt its indisputable necessity in keeping up the institutions of religion, and promoting the cause of salvation and pure morality. What could we do without the Sabbath? And where, in half a century, will be our glorious civil and religious liberty, if the terrible process of Sabbath desecration be permitted to go on as it has done for the past ten years? Let the history of other nations answer. Let the fearful declarations of God's word admonish us to anticipate the result. "For the nation and kingdom that will not serve thee shall perish."

While, therefore, we earnestly entreat our fellow-citizens of every class "to remember the Sabbath day to keep it holy," the Assembly do hereby, in a special manner, enjoin it upon the church sessions to watch over their brethren with tenderness and great fidelity in respect to the observance of the Sabbath; and to exercise wholesome discipline on those who, by traveling or other ways, presume to trample upon this sacred institution. And we further enjoin it upon the Presbyteries annually to institute inquiries of the eldership as to the manner in which this injunction has been attended to in their respective churches.—1853, p. 323, N. S.

4. Resolutions on the Sanctification of the Sabbath.

Resolved, 1. That, inasmuch as "the Sabbath was made for man," by the omniscient God, and is indispensable to our highest social, civil and religious welfare, this General Assembly regards it as not only the duty, but the right and privilege of all men to "remember the Sabbath day to keep it holy."

2. That, as the law of the Sabbath is divinely given, without limitation of time, and unrepealed, its claims for our obedience are supreme and perpetual.

3. That, in order to give full power to the gospel in the salvation of souls, professors of religion, and ministers of the gospel especially, should carefully sanctify the Lord's day, and give *no* countenance, directly or indirectly, to its desecration.

4. That the physical and mental, as well as moral interests of man demand the day of holy rest; and that the entire community should manifest a grateful appreciation of this gift of heaven, by an unperverted sacred observance of the Christian Sabbath.

5. That, at this time of public strife, of fearful anxiety and suffering, while we are heartily loyal to our Government, we should most sincerely deprecate and deplore any unnecessary labor, review or battle on the Lord's day; lest, by disloyalty to God, we dishonor him, incur his fierce indignation, and, as a sad result, meet with signal defeat to our arms, and terrible calamities to our nation, from Him who is the God of battles and of nations, and who honors them that honor him.

6. That it be earnestly requested of all the pastors of our churches, fully to instruct their people as to the duty and importance of carefully sanctifying the entire Sabbath, individually, in the family, and in the community; in order that its healthful instructions, and its holy, saving influence, may everywhere permeate the State, the nation and the world.

7. That each pastor and stated supply of our churches be requested, at some time during the present year, to preach especially upon the Sanctification of the Christian Sabbath.—1863, pp. 245, 246, N. S.

These Deliverances Reaffirmed.—Opening of Sabbath Art Galleries Disapproved of.

In answer to overture, the Committee recommend that in view of former frequent and full deliverances of the Assembly on the observance of the Sabbath, there is no necessity for further action at the present time, except to reaffirm these deliverances, and to adopt the following:

Resolved, That this General Assembly express their disapproval of the opening on the Sabbath of art galleries, places of recreation and amusement, and all such libraries and reading rooms as by offering secular reading invite men to violate the command of God, that men "Remember the Sabbath day to keep it holy." Adopted.—1872, p. 71.

[See also Form of Government, chap. xii., sec. v.; Pastoral Letters 8 and 16.]

This Assembly now reaffirms the deliverances of previous Assemblies, regarding the sacredness of the Sabbath.—1873, p. 564.

5. Traveling on the Sabbath Condemned.

Resolved, That this Assembly view with unfeigned sorrow and regret the practice of traveling, by professors of religion and others, on the Sabbath day, and that it considers all such traveling, which is not strictly

included in works of necessity and mercy, as a direct violation of the law of God.—1850, p. 482, O. S.

6. Decoration of Soldiers' Graves upon the Sabbath Disapproved.

a. Resolved, That while this Assembly sympathize most heartily with the noble and touching tribute to be paid to the memory of our buried soldiers whose lives were sacrificed in the cause of the Union, as, under the auspices of the Grand Army of the Republic, their graves are to be decorated with floral offerings, yet we enter our most earnest protest against the proposed unnecessary desecration of the Sabbath for this purpose; and urgently request the proper authorities to appoint the next Saturday as the time for this interesting ceremony.

A Committee, consisting of the Rev. Zephaniah Humphrey, D. D., the Rev. Benjamin W. Chidlaw, and Mr. Frederick Starr, was appointed to report this action of the Assembly to the officers of the Grand Army, and to make such further publication as may seem to be called for.—1869, p. 259, N. S.

b. The Committee on communicating with "the Grand Army of the Republic," reported a paper which was adopted, and is as follows:

The General Assembly of the Presbyterian Church takes great pleasure in acknowledging the invitation of the Kings County Department of the Grand Army of the Republic to attend and take part in the ceremony of decorating the graves of our dead soldiers on Monday next.

It gives us great pleasure to observe that this ceremony is not to take place on the Sabbath; and we recommend that as many of the members of the Assembly, as can be spared from their other duties, shall engage in offering this beautiful and appropriate tribute of patriotic memory and love.—1869, p. 282, N. S.

c. Resolved, That a Committee be appointed to confer with the proper authorities connected with the Grand Army of the Republic, and urgently to request that the day be changed from Sabbath (30th) to Saturday, 29th.

Ministers W. C. Anderson, D. D., A. L. Blackford, and Smith F. Grier, with *Ruling Elders* Van Cleve and Morris Patterson, were appointed as said Committee.—1869, p. 900, O. S.

The report of the Committee was adopted, viz.:

The Committee appointed to confer with the authorities with reference to a change in the day designated for decorating the graves of our fallen soldiers, reports that it waited on the Committee having this matter in charge in this city, and laid before it the action of this Assembly, but was informed by the secretary that arrangements had been already completed for performing the ceremony on the Sabbath, and that no change could be made. Yet your Committee rejoices that a change has been made in several of the surrounding cities, and that a general order has been sent forth requiring a change in all the principal cities of our country; also, that the President of the United States has ordered such a change in the District of Columbia.—1869, p. 920, O. S.

III. Let the provisions, for the support of the family on that day, be so ordered, that servants, or others, be not improperly detained from the public worship of God; nor hindered from sanctifying the Sabbath.

IV. Let every person, and family, in the morning, by secret and private prayer, for themselves and others, especially for the assist-

ance of God to their minister, and for a blessing upon his ministry, by reading the Scriptures, and by holy meditation, prepare for communion with God in his public ordinances.

V. Let the people be careful to assemble at the appointed time; that, being all present at the beginning, they may unite, with one heart, in all the parts of public worship; and let none unnecessarily depart, till after the blessing be pronounced.

VI. Let the time, after the solemn services of the congregation in public are over, be spent in reading; meditation; repeating of sermons; catechising; religious conversation; prayer for a blessing upon the public ordinances; the singing of psalms, hymns, or spiritual songs; visiting the sick; relieving the poor, and in performing such like duties of piety, charity, and mercy.

1. Instruction in the Holy Scriptures.

Resolved, 1. That it be recommended, and it is hereby recommended, earnestly to the ministers and sessions which are in connection with the General Assembly, to pay especial attention to this subject, and provide without delay for the stated instruction of the children and youth in the sacred Scriptures within their respective congregations.

Resolved, 2. That although the particular manner of instruction and recitation in the congregations ought to be left to the discretion of their ministers and sessions respectively; yet as some degree of uniformity is desirable in a business of so much magnitude, it is recommended as the most effectual means of promoting the knowledge of the Holy Scriptures, that in all our churches, classes be formed of the youth to recite the Scriptures in regular order; that the recitations, if convenient, be as often as once a week, and from two to five chapters appointed for each recitation; that the youth be examined on,

1. The history of the world, but more especially of the Church of God, and of the heathen nations who were God's agents in accomplishing his purposes toward his Church.

2. Persons noted for their piety or ungodliness, and the effects of their example in promoting or injuring the best interests of mankind.

3. Doctrines and precepts, or "what man is to believe concerning God, and what duty God requires of man."

4. Positive ordinances, or the directions which God has given as to the way in which he is to be worshiped acceptably.

5. The particular features of character of which the Spirit of God has given notice, both in wicked and good persons; in the last particularly regarding those who were types of Christ, and in what the typical resemblance consisted.

6. The gradual increase from time to time of information concerning the doctrines contained in the Scriptures; noting the admirable adaptation of every new revelation of doctrine to the increased maturity of the Church. The nature of God's law, its immutability, as constituting an everlasting rule of right and wrong, the full and perfect illustration of its precepts given by Christ.

7. The change which God has made from time to time in the positive ordinances, together with the reasons of that change. The difference between the moral law, and those laws which are positive.

8. The illustrations of the divine perfections in the history, biography, doctrines and precepts, together with the positive ordinances of the Scriptures.

9. The practical lessons to regulate our conduct in the various relations of life.

On all these particulars the meaning of the words used in Scripture must be ascertained, and thus we may understand what we read.

Resolved, 3. That the Presbyteries under the care of the Assembly be directed to take order on this subject, and they are hereby informed that this is not to come in the place of learning the Catechism of our Church, but to be added to it, as an important branch of religious education.—1816, p. 627.

2. On Sabbath Schools and Instruction of the Young.

a. In all parts of the Church, Sunday-schools are established, and there is but one sentiment respecting them. The Assembly consider them as among the most useful and blessed institutions of the present day. They have a most extensive reforming influence. They apply a powerful corrective to the most inaccessible portions of the community. They begin moral education at the right time, in the best manner, and under the most promising circumstances. They act indirectly, but most powerfully, upon teachers and parents, and frequently become the means of bringing them to the church, and to the knowledge and love of the truth. Sunday-schools are highly useful *everywhere;* but they are peculiarly adapted to new and destitute regions of the Church. The plan is simple, and easily accomplished. It requires comparatively little knowledge and experience to conduct them with ability. Very much good has been accomplished by the instrumentality of young ladies and gentlemen. The pleasing scene is often witnessed in some of our new settlements, of large meetings of children on the Lord's day, in schoolhouses, or beneath the shade of the original forest. The voice of praise and prayer is heard, and the word of the living God is proclaimed, amid the most beautiful works of his hand.—1824, p. 129.

b. *Resolved*, That the General Assembly do cordially approve of the design and operations of the American Sunday-School Union; and they do earnestly recommend to all ministers and churches under their care to employ their vigorous and continued exertions in the establishment and support of Sabbath-schools.—1826, p. 181.

c. *Resolved*, 1. That the Assembly regard the religious education of youth as a subject of vital importance, identified with the most precious interests and hopes of the Christian Church.

2. That the present indications of divine Providence are such as imperiously to demand of the Christian community unusual effort to train up the rising generation in the nurture and admonition of the Lord.

3. That the Board of Missions be and hereby are instructed to enjoin it on their missionaries sedulously to attend to the religious education of the *young;* and particularly that they use all practical efforts to establish *Sabbath-schools;* and to extend and perpetuate the blessings of Sabbath-school instruction.

4. That the system of Sabbath-school instruction, now in prevalent and cheering operation, be and hereby is most earnestly recommended to the attention of the pastors and sessions of all our churches.

5. That the Presbyteries be and hereby are enjoined to make the progress of the Sabbath-school cause within their bounds the subject of special

inquiry, and annually to transmit the results of such inquiry to the General Assembly.

6. That inasmuch as the advantages of the Sabbath-school may, in some cases, be the occasion of remissness in the important duty of *family* instruction, it be and hereby is earnestly recommended to heads of families not to relax in their personal religious efforts at *home*, and in the domestic circle; but that they abound more and more in the use of all appropriate means, to promote sound knowledge and experimental piety, in every member of their households.

7. That as there is reason to apprehend that the *Catechisms of this Church* have not, in some parts of our Zion, received that measure of attention to which their excellence entitles them, it be and hereby is recommended to pastors, sessions, heads of families, superintendents of Sabbath-schools, and all charged with the education of youth, in our connection, to give these admirable summaries of Christian truth and duty a prominent place in their instructions to the youth and children under their care.

8. That it be and hereby is recommended to the pastors and sessions of our churches to make themselves acquainted with the system of *infant school* instruction, now in happy progress in many places, and if practicable to establish such schools in their congregations.—1830, p. 303, 304.

3. Catechetical Instruction Enjoined.

a. Resolved, That as there is reason to apprehend that the catechisms of this Church have not in some parts of our Zion received that measure of attention to which their excellence entitles them, it be, and hereby is recommended to pastors, sessions, heads of families, superintendents of Sabbath-schools, and all charged with the education of youth, in our connection, to give these admirable seminaries of Christian truth and duty a prominent place in their instructions to the youth and children under their care.—1830, p. 304.

b. Resolved, That the use of the catechism in the religious instruction of the young, and of the children under the care of the Church, be affectionately and earnestly recommended to the sessions in connection with the General Assembly, as the most effectual means under God of preserving the purity, peace, and unity of the Church.—1832, p. 372.

c. The following resolutions on the subject of catechetical instruction were unanimously adopted, viz.:

Resolved, 1. That this General Assembly consider the practice of catechetical instruction as well adapted to the prosperity and purity of our Zion.

Resolved, 2. That this Assembly view also with deep regret the neglect, on the part of many of our churches, of this good old practice of our fathers; a practice which has been attended with such blessed results to the cause of pure and undefiled religion.

Resolved, 3. That the institution of Sabbath-schools does not exonerate ministers and parents from the duty of teaching the Shorter Catechism to the children of the Church.

Resolved, 4. That this Assembly earnestly and affectionately recommend to all ministers and ruling elders in its connection to teach diligently the young of their respective congregations the Assembly's Shorter Catechism.—1849, p. 181, N. S.

d. Resolved, That the Assembly regard Christian training at all periods of youth and by all practicable methods, especially by parents at home, by teachers in institutions of learning, and by pastors through catechetical and Bible-classes, as binding upon the Church according to the injunc-

tion, "Train up a child in the way he should go," and as having a vital connection with the increase of numbers and efficiency of the ministry and of the stability and purity of the Church.—1854, p. 30, O. S.

e. Resolved, That this Assembly recommend that the Westminster Assembly's Catechism be introduced as a text-book into all the Sabbath-schools under our supervision and control, where it is not now used.—1866, p. 278, N. S.

4. Relation of Sabbath-schools to the Family.

We are pleased to find that our Sabbath-school system appears to be gaining upon the confidence of the churches, but we caution heads of families against the idea that their duties may be delegated to the Sabbath-school teacher. The obligations of parents are intransferable. The teacher is not the parent's substitute, but his helper; and it is equally the duty of the parent to superintend the instruction of his family, as though there were no such thing as a Sabbath-school.—1840, p. 310, O. S.

[See also 1846, p. 221, O. S., and 1854, p. 183, O. S.]

5. Relation of the Sabbath-school to the Session.

a. These schools should always be under the direction of the pastor and session, and they should see to it that our catechisms constitute, in all cases, a part of the regular course of instruction.—1840, p. 310, O. S.

b. The Sabbath-school—like all the religious institutions and agencies of each individual church—is and ought to be under the watch and care of the session, and should be regarded not as superseding but as co-operating with the entire system of pastoral instruction, the responsibilities of which it should not in any manner diminish.—1863, p. 241, N. S.

c. The Assembly resumed the unfinished business, being the consideration of the report of the Committee on Sunday-schools, which was amended, adopted, and is as follows:

The Committee to whom were entrusted the special report of the Committee of the last Assembly on Sunday-schools, and the memorial of the Synod of Michigan on the same subject, respectfully report:

That they have carefully considered the papers committed, and are of opinion that the subject therein presented, and the suggestions made thereon, call for the earnest deliberation and mature action of this Assembly. The labors of individuals and churches on behalf of Sunday-schools, in the provisions admirably devised for their accommodation, in the literature or music provided for their use, in the development of talents and influences especially adapted to interest and operate on the minds there gathered, and in concerts of prayer, have conspired to lift the institution into a position of prominence and power never before occupied, and promising yet greater growth and larger good. This fact seems to require that a more distinct recognition of the Sunday-school agency be made in our Assembly reports, and that its relation to the Church and its authorities be more clearly defined. While experience has demonstrated the vast capacities for good that lie in the Sunday-school, and which ought to be more fully unfolded, it has in various ways, also, admonished us of evils which ought to be guarded against and avoided. The danger is, that the Sunday-school may become detached from its proper connection with the Church and its authorities, and assume an independence which must prove, in the end, injurious both to itself and the Church.

This severance has, we learn, actually taken place in some instances,

and the proper shepherd of the flock can appear before the lambs only by the sufferance of the superintendent; and so the young, cut off from their appointed spiritual guardians, are exposed to influences which cannot be brought under proper supervision and control. We would recommend, therefore, that the Assembly adopt and act upon the resolutions presented in the papers that we have in charge, thereby bringing this important institution within their constant purview, and doing what they can to develop and impress its great importance upon the hearts of the Church.

Resolved, 1. That it belongs emphatically to the pastor and elders of each congregation to direct and supervise the whole work of the spiritual training of the young, and that it is an important part of the functions of their office both to encourage parents to fidelity in bringing up their children in the nurture and admonition of the Lord, and also to secure the co-operation of all the competent members of the Church in the religious education of all the children and youth to whom they can gain access.

2. That great attention ought to be paid to the work of inculcating lessons from the sacred Scriptures, and of fixing in the memory the Catechisms of our Church both as to its doctrine and polity; and still further, of combining all the schools of a congregation in united worship as far as possible, and especially of leading them to Jesus in the exercise of a living faith and continued reliance on the Holy Spirit.

3. That to the above end we would further recommend to the pastors that they adapt, wherever practicable, the second discourse of every Sabbath, particularly to the young of their flock; thus affording to this, the most susceptible and hopeful portion of their fields, at least one-half of their time and labor, and giving their children distinctly to feel that they have a place, no less in the sanctuary than in the Sunday-school, both for worship and instruction.

4. That church sessions be required to furnish in their statistical reports a full account of the number of Sunday-school scholars and teachers in their respective congregations, to be embodied in the Assembly's minutes.

5. That a Permanent Committee of the Assembly be appointed, whose duty it shall be to take charge of this great interest, and to report whatever may quicken and stimulate the Church in its duty of training the young according to the word of God.

6. That this General Assembly earnestly recommend to the pastors of the churches within its bounds to present before their congregations, in one or more discourses, the relation of baptized children to the Church, and the reciprocal duties between parents and children growing out of this relation, as defined in the word of God and declared in the doctrines of our Church.

7. That it is exceedingly desirable that the entire congregation, old and young, be permanently connected with the Sunday-school, either as scholars or teachers.—1864, pp. 507, 508, N. S.

[See Directory for Worship, chap. xv., sec. v.]

d. The Committee to whom were referred certain resolutions on the subject of Sabbath-schools, would respectfully report the following minute:

The Sabbath-school, in its original design, as it lay in the mind of its founder, was simply a means of imparting instruction to the children of the poor. While that great purpose should never be lost sight of, yet the institution has grown to be an important auxiliary to the Church in the instruction and religious culture of her children. As such, it naturally comes under the direction of the pastor and session of each church, and they should ever be recognized as its proper guardians and supervisors.

They have no more right to relinquish this solemn responsibility than they have to give up the care, and discipline, and instruction of the Church. He who said to his apostle, "Feed my sheep," said also, "Feed my lambs." With this obvious fact of the responsibility of pastors for the children of their churches, the General Assembly does hereby set forth the following principles as guides to pastors and sessions in fulfilling their duties in respect to the Sabbath-school work.

1. The pastoral office involves the practical supervision of the Sabbath-school. The pastor should frequently, if not constantly, be present to counsel and aid those who may under him be engaged in the work of instruction.

2. While the holy Bible is the great text-book of the Sabbath-school, it is eminently fitting that the summary of Christian doctrine as contained in our admirable Shorter Catechism should also be taught, and that a lesson therefrom should be recited at least once a month, and that at least once in a quarter the pastor himself should examine the whole school therein, adding thereto such explanations and illustrations as may to him seem proper.

3. The books of the Sabbath-school library should be wholly subject to the supervision of the pastor and ruling elders, and no work, *except it be published by our Board of Publication*, shall be admitted, which they have not approved. In this examination care should be taken that no book receives their sanction which might give the minds of children a bias unfavorable to the order, doctrine and practices of our Church, or which might beget a taste for frivolous literature, or which does not impart some weighty truth or important information.

4. In addition to the exercises of the Sabbath-school, every pastor should hold frequent meetings, especially for the children, in which the addresses and services are adapted to their intellectual capacities and wants.

5. Presbyteries are hereby enjoined, in their annual inquiry into the state of the churches within their bounds, to ascertain whether these principles are adhered to, and how far they are carried into practice.

6. The Assembly furthermore recognizes the importance of securing for those engaged in the work of Sabbath-school instruction all the aids that may have been prepared either in our own country or abroad, whether in illustration or explanation of the doctrines of the word of God, or in reference to the conduct and discipline of the church, or in regard to the best methods of securing its prosperity and largest success. For this purpose the Board of Publication is directed to add to their list of works all such helps to Sabbath-school instruction as may be found valuable and useful, either by the republication of standard foreign works, or the issue of those which may be obtained from authors at home, and to procure for the use of pastors and teachers, at their request, such works published by other societies or establishments as may be valuable auxiliaries in the great work of the Sabbath-school.

7. It should be the aim of all engaged in the religious culture of the young, whether parents or guardians, or pastors and teachers, to counteract, as far as possible, the tendencies of the age to unhealthy excitements, to a vapid and enervating literature, which only enfeebles and demoralizes the mind, and often corrupts the heart; to induce the youth under their care to seek for sound and wholesome doctrine; to correct their taste; to beget in them a love for those noble and substantial works which were the food on which our fathers fed, and by which they grew into a strength and greatness which has made them ever after to be remembered.—1867, p. 351, O. S.

CHAPTER II.

OF THE ASSEMBLING OF THE CONGREGATION AND THEIR BEHAVIOR DURING DIVINE SERVICE.

I. When the time appointed for public worship is come, let the people enter the church, and take their seats in a decent, grave, and reverent manner.

II. In time of public worship, let all the people attend with gravity and reverence; forbearing to read anything, except what the minister is then reading or citing; abstaining from all whisperings, from salutations of persons present, or coming in; and from gazing about, sleeping, smiling, and all other indecent behavior.

1. Posture in Public Prayer.

a. On an overture from the Presbytery of Philadelphia, asking the Assembly to adopt measures for arresting or abating the growing evil of sitting in public prayer, the Assembly took action, viz.:

While the posture of standing in public prayer, and that of kneeling in private prayer, are indicated by examples in Scripture, and the general practice of the ancient Christian Church, the posture of sitting in public prayer is nowhere mentioned, and by no usage allowed; but on the contrary, was universally regarded by the early Church as heathenish and irreverent, and is still, even in the customs of modern and Western nations, an attitude obviously wanting in the due expression of reverence; therefore this General Assembly

Resolve, That the practice in question be considered grievously improper, whenever the infirmities of the worshiper do not render it necessary; and that ministers be required to reprove it with earnest and persevering admonition.—1849, p. 255, O. S.

b. Reaffirmed by the Assembly of 1857, p. 38, O. S.

c. An overture from the Presbytery of Michigan in relation to posture in prayer and praise, with the answer that action is inexpedient, which was adopted.—1870, p. 28.

See 1854, p. 509, N. S.

CHAPTER III.

OF THE PUBLIC READING OF THE HOLY SCRIPTURES.

I. The reading of the Holy Scriptures, in the congregation, is a part of the public worship of God, and ought to be performed by the ministers and teachers.

II. The Holy Scriptures of the Old and New Testament shall be publicly read, from the most approved translation, in the vulgar tongue, that all may hear and understand.

III. How large a portion shall be read at once, is left to the discretion of every minister: however, in each service, he ought to read at least one chapter; and more, when the chapters are short, or the connection requires it. He may, when he thinks it expedient, expound any part of what is read: always having regard to the time, that neither reading, singing, praying, preaching, or any other ordinance, be disproportionate the one to the other; nor the whole rendered too short, or too tedious.

Overtured, That every minister, in their respective congregations, read and comment upon a chapter of the Bible every Lord's day as discretion and circumstances of time, place, etc., will admit. Adopted.—1707, p. 10.

2. *Resolved*, That this Assembly do hereby enjoin on all ministers of churches under their care, a strict and regular observance of the third article in the Directory for Public Worship, and they further recommend to all the Presbyteries in connection with this General Assembly, that they inquire at least once in every year, at a stated meeting, how far the regulations in said article have been observed; and if, in any instances, overlooked or neglected, that they take measures to have the same properly observed.—1839, p. 166, O. S.

CHAPTER IV.

OF THE SINGING OF PSALMS.

I. It is the duty of Christians to praise God, by singing psalms, or hymns, publicly in the church, as also privately in the family.

1. Early Action on the Subject of Psalmody.

a. A query was brought in, in these words: "As sundry members and congregations within the bounds of our Synod, judge it most for their edification to sing Dr. Watts's imitation of David's Psalms, does the Synod so far approve said imitation of David's Psalms as to allow such ministers and their congregations liberty of using them?"

As a great number of this body have never particularly considered Dr. Watts's imitation, they are not prepared to give a full answer to the question. Yet as it is well approved by many of this body, the Synod have no objection to the use of said imitation by such ministers and congregations as incline to use it, until the matter of psalmody be further considered. And it is recommended to the members of this body to be prepared to give their sentiments respecting this subject at our next meeting.—1763, p. 331.

b. After some consideration of the query concerning the use of Dr. Watts's imitation of the Psalms, the Synod judged it best, in present circumstances, only to declare that they look on the inspired Psalms in Scripture, to be proper matter to be sung in divine worship, according to their original design and the practice of the Christian Churches, yet will not forbid those to use the imitation of them whose judgment and inclination leads them to do so.—1765, p. 345.

c. The Committee appointed to converse with the parties in the Second Presbyterian Church in this city differing about psalmody, report: "That they have taken opportunities of conversing with both parties, so far as the time and circumstances would permit, and that they do not think the Synod should directly judge of the merits of the appeal, so as to affirm or disapprove the several distinct propositions laid down by the Presbytery in their judgment; but as there is not now time to consider fully the different versions of the Psalms in question, and there are minutes of Synod formerly which countenance congregations in determining this matter according to their own choice, they cannot make any order to forbid the congregation to continue the practice now begun." Which being considered was approved; and the Synod on this occasion think proper earnestly to recommend to both parties peace and harmony, and to forbear all harsh sentiments and expressions, and in particular that neither of them intimate that either of the versions in question is unfit to be sung in Christian worship.—1773, p. 448.

d. A motion was made in the following terms, viz.: "Whereas the nearest uniformity that is practicable in the external modes of divine worship is to be desired, and the using different books of psalmody is matter of offence, not only to Presbyterians of different denominations, but also to many congregations under our care; it is queried, if the Synod might not choose out, and order some of their number to take the assistance of all the versions in our power, and compose for us a version more suitable to our circumstances and taste than any we yet have;" which, having been read, and seconded, after some conversation thereon, the question was put, whether to appoint a Committee, or defer, and was carried by a small majority to appoint. Whereupon Dr. Allison, Dr. Davidson, Dr. Ewing, Mr. Blair and Mr. Jones, were appointed a Committee for that purpose, who are to make report of their diligence herein at our next meeting.—1785, p. 513.

[Apparently in consequence of this appointment the following minute was adopted:]

e. The Synod did allow, and do hereby allow, that Dr. Watts's imitation of David's Psalms, as revised by Mr. Barlow, be sung in the churches and families under their care.—1787, p. 535.

f. In respect to the psalmody, the Synod have allowed the use of the imitation of the Psalms of David for many years, to such congregations as choose them, and still allow of the same, but they are far from disapproving of Rouse's version, commonly called the Old Psalms, in those who were in the use of them and chose them, but are of opinion that either may be used by the churches, as each congregation may judge most for their peace and edification, and therefore highly disapprove of public, severe and unchristian censures being passed upon either of the systems of psalmody, and recommend it to all ministers in those parts of the Church, to be more tender and charitable on these heads.—1787, p. 537.

2. Watts' Hymns Allowed.—Dwight's Revision Approved and Allowed.

Whereas, The version of the Psalms made by Dr. Watts, has heretofore been allowed in the congregations under the care of the General Assembly, it is now thought expedient that the hymns of Dr. Watts be also allowed; and they are accordingly hereby allowed in such congregations as may think it expedient to use them in public and social worship; and *whereas*, the Rev. Dr. Timothy Dwight, by order of the General Associa-

tion of Connecticut, has revised the version of the Psalms made by Dr. Watts, and versified a number omitted by him, and has also made a selection of hymns from various authors, which, together with the Psalms, were intended to furnish a system of psalmody for the use of churches and families, which system has been revised and recommended by a joint Committee of the General Assembly and the General Association of Connecticut heretofore appointed, as well as examined and approved by a Committee of this present Assembly; the said system is hereby cheerfully allowed in such congregations and churches as may think it for edification to adopt and use the same.—1802, p. 249.

3. Use of other Psalms and Hymns not Forbidden.—Sessions and Presbyteries to take Supervision.

Your Committee are of opinion, that the General Assembly of the year 1802, in their resolution on this subject, did not intend that the churches under their care should use no other psalms and hymns than those specified in the resolution. It is further the opinion of your Committee, that when any families or congregations in their religious worship make use of hymns containing erroneous doctrine or trivial matter, it becomes the duty of church sessions and Presbyteries to inquire into the matter, and act as the case may require. Approved.—1806, p. 360.

4. Book of "Psalms and Hymns."

[In 1819, p. 716, the subject of psalmody was considered, and referred to the next Assembly. The Committee appointed by the Assembly of 1820, Drs. Caldwell and Romeyn, and Mr. Andrew Wylie, presented the following report, which was adopted:]

Psalmody has in all ages been considered a most important part of the worship of God. The Church, therefore, has ever been careful to preserve its purity for the edification of her members; whilst they who have departed from the faith once delivered to the saints, have availed themselves of it to accomplish their divisive plans with the best success. Mindful of their duty in this matter, the General Assembly have, from time to time, authorized the use of Rouse's version of the book of Psalms, Watts's imitation of the Psalms of David, with his three books of hymns, Barlow's alterations of, and additions to Watts's imitation, and Dwight's revision of Watts, with his additional versifications and collections of hymns, in the churches under their care.

Whilst the Committee grant that each of these systems of psalmody has its excellences, they respectfully recommend that one uniform system of psalmody be prepared, under the direction of the Assembly, for the use of the churches under their care. They believe that the time has come when such a measure may be adopted without offending any of our churches, and with the prospect of complete success.

If they are correct in this belief, of which the Assembly must judge, it appears to them that uniformity in this matter will furnish a strong bond of peace and harmony between the different sections of our Church.

The Committee further recommend that this uniform system of psalmody consist of two parts, viz.:

I. A compilation of metrical versions of the book of Psalms, adhering to the order and connection of the same as far as practicable.

In this compilation the preference ought to be given to the authorized versions now in use, so far as the poetry and conformity to the text allow. The Committee, in recommending this compilation, disavow any design

of committing the Assembly on the difference of opinion which exists about the book of Psalms. They also wish it to be distinctly understood that they do not disapprove of Watts. But they think that a compilation, such as is recommended, if judiciously executed, will satisfy the friends of Dr. Watts's imitation, and the advocates of the exclusive authority of the book of Psalms.

II. A copious collection of hymns and spiritual songs from various authors, giving the preference to those now authorized, so far as good taste, sound sense and enlightened piety admit.

Such a system of psalmody, the Committee think, besides producing harmony among ourselves in this part of public worship, will tend to enlarge that growing disposition among Christians of different denominations, to union of exertions for promoting the kingdom of Christ.

They therefore submit the following resolutions, viz.:

1. That a Committee be appointed to digest and prepare a uniform system of psalmody, as recommended in this report; the whole, when prepared agreeably to the views of the Committee, to be submitted to the General Assembly for their adoption.

2. That the Committee appointed to carry this resolution into effect be authorized to procure, at the expense of the Assembly, such versions of the Book of Psalms, and such collections of hymns and sacred songs, as they may deem necessary.

The Assembly appointed Drs. Romeyn, Alexander, Nott, Blatchford and Spring, a Committee to prepare and digest a system of psalmody, as recommended in the foregoing report.—1820, p. 740.

The Committee finally, after being enlarged from time to time, reported, when it was—

a. Resolved, That the Book of Psalms and Hymns, with the alterations and additions submitted by the Committee, be approved by the Assembly, and its use in the worship of God be authorized in all the churches under its care.—1830, p. 306.

In the Assembly of 1838, O. S., a Committee was appointed to revise the Assembly's edition of the "Psalms and Hymns." Their action was finally approved by the Assembly, and it was—

b. Resolved, That the Book of Psalms and Hymns reported by the Committee of Psalmody, be approved, and authorized to be used in all our churches.

That such portion of our standards be appended to such portion of any future edition of the Book of Psalmody as shall be deemed expedient by the Board of Publication.

That the whole, or such portion of the common translation of the psalms, without note or comment, accompanied as far as may be by appropriate music, be appended to such portion of one edition of said Book of Psalmody as may appear expedient to the Board of Publication.—1843, p. 194, O. S.

[See also Baird's Collection, Revised Edition, pp. 211, 213.]

5. The "Church Psalmist."

[In the Assembly of 1840, N. S.—]

a. On motion of Dr. Cox, the whole subject of psalmody, with the procuring and furnishing an edition of psalms and hymns for our general use in a way involving no pecuniary responsibility to the Assembly, was referred to the Consulting Committee for their deliberation and action, as they may deem proper and practicable.—1840, p. 24.

On the report of this Committee, the General Assembly recommended the "Church Psalmist," prepared by Dr. N. S. Beman, to the churches under our care, leaving them, at the same time, free to continue the books now in use, if they deem it most for edification.—1843, pp. 21, 22, N. S.

[The Assembly of 1846, *inter alia*—]

Resolved, That it is earnestly recommended to the churches in connection with this Assembly, for the purpose of carrying out the matured action of our highest ecclesiastical judicatories, and thus securing uniformity, an increasing revenue, and the possession of a work of high intrinsic merit, whenever they deem it best to make a change in the psalmody, to adopt the book of the Assembly.—1846, p. 19, N. S.

[See also New Digest, pp. 580–583.]

[In 1855, p. 32, and again in 1856, p. 215, the Publication Committee was authorized and directed to purchase the Church Psalmist, if it could be done on reasonable terms. In 1857, p. 435, the Committee reported to the Assembly the purchase of the Book, upon which the Assembly—]

b. Resolved, That we recognize with gratitude to God the completion of the labors of the Publication Committee, by which the Assembly is furnished with a book of psalmody which they can call their own; the profits of which will materially aid the funds of the Church in the Publication cause; and the Assembly hereby recommend to the pastors and the churches that they use all reasonable diligence in promoting uniformity by the introduction of this book.

c. Resolved, That the preparation of an appendix to the Church Psalmist of such hymns as may be necessary to make the work complete be committed to N. S. S. Beman, D. D., Rev. Albert Barnes and S. W. Fisher, D. D., and that this Committee report to the next General Assembly.—1857, pp. 410, 411, N. S.

[The Committee were directed to report to the Publication Committee (Minutes, 1858, p. 585), by whom the supplement was published, and the book thus completed.]—1859, p. 38, *ib.*

II. In singing the praises of God, we are to sing with the spirit, and with the understanding also; making melody in our hearts unto the Lord. It is also proper, that we cultivate some knowledge of the rules of music; that we may praise God in a becoming manner with our voices, as well as with our hearts.

1. The Book of Tunes.

Resolved, That a Committee of three be appointed by the Publication Committee to prepare a Book of Tunes adapted to the Church Psalmist, and that this Committee be instructed to consult and correspond with pastors and leaders of choirs in the churches, as to the particular tunes most in use and most popular in the congregations, and that this Committee report to the next General Assembly.—1857, p. 410, N. S.

[The Committee reported progress to the Assembly in 1858. The book, "The Eclectic Tune Book," was laid before the Assembly in 1860, p. 246.]

2. "The Hymnal."

[In consequence of overtures from various Presbyteries, the Assembly of 1863, O. S., appointed a Committee to take the whole subject into consideration, and report to the next Assembly. This Committee reported on the whole subject, and the Assembly—]

Resolved, 1. That a selection of psalms and hymns be made from our present book and from other sources, and published with suitable tunes; and that all the hymns in this new selection, which are not in our present book, be published as a *supplement* for the use of those who prefer it; and that the hymns in the new selection, in addition to their own numbers, shall retain the numbers in the old book, so that both may be used in the same congregation without embarrassment.

2. That in accordance with the recommendation of previous Assemblies, and responsive to the wish of many in the Church, there shall be made a careful selection from the Bible of passages to be arranged for chanting; and that this shall be fitted to be bound both with the selection of hymns and tunes, and with the supplement, at the option of the churches.

3. That the volumes thus provided for shall be furnished with ample indices after the style of the best improvements in this respect.

4. That a Committee of five be appointed by this Assembly, who shall have power to employ all needful talent and means, at the expense of the Board of Publication, for the accomplishment of these ends as perfectly and speedily as possible, and report the result to some future Assembly.

5. That the Board of Publication be instructed to defray the personal expenses of the present Committee incurred in performing this service.—1864, p. 293, O. S.

[The Committee called for by the fourth resolution consisted of Drs. John M. Krebs, J. Trumbull Backus, Robert Davidson, J. E. Rockwell and Willis Lord.]

[By the Assembly of 1865, O. S., the Committee was directed to insert in the new book the Apostles' Creed, the Ten Commandments and the Lord's Prayer; also the Shorter Catechism and Directory for Worship, 1865, p. 532. The book was reported to the Assembly of 1866, together with a full report upon the whole subject. Whereupon the Assembly]

Resolved, 1. That the report be adopted and printed in the Appendix to the Minutes. See 1866, pp. 107–112.

2. That this Assembly approve the Hymnal as published, and allow the same to be used in all our churches; but it is not required that it shall supersede the books in present use.—1866, p. 95, O. S.

3. "Social Hymn and Tune Book."

["The Social Hymn and Tune Book" was prepared by the Publication Committee under the direction of the General Assembly, and laid before it in 1866, when it was]

Resolved, That the "Social Hymn and Tune Book," recently published by the Committee, be commended as pre-eminently adapted to social and congregational worship.—1866, p. 272, N. S.

4. Report on Sacred Music.—The Hymnal Commended.

The Assembly took from the docket the report of the Committee on Sacred Music, which was unanimously adopted, and is as follows:

The Committee of Five, "appointed to prepare and report to this General Assembly such suggestions or measures as may to them seem most timely and expedient for the encouragement of a more devotional character in church music, and especially in instrumental and vocal voluntaries, and for the suppression and exclusion of all musical performances which are inconsistent with the proprieties of the Sabbath and of the sanctuary," respectfully report, for adoption by this General Assembly, the following deliverance, to wit:

The service of song, which God has made a part of the worship of his

holy house, when properly performed, has power for good over human hearts, promoting our growth and his glory. The grand object of all music, which has a proper place in the services of the Sabbath and sanctuary, is, and must be, to inspire and express devotion; the introduction of choirs or musical instruments can be justified only as they serve this end, and aid or accompany sacred song; and no display of artistic skill, no delicacy of vocal training, no measure of musical ability, compensates for the violation, or even neglect, of the proprieties of divine worship. The Assembly, therefore, cannot observe, without serious concern, the great and growing evil, that the music of the sanctuary, instead of ministering to the praise of God, should so often be perverted to carnal ends, being secular in character and associations, unsuited to congregational use, calculated to dissipate devotional feeling, and wholly incongruous with the services of God's house.

The *conduct* of so important a part of divine worship should be committed only to those who respect religion, and, as far as practicable, to those who are in communion with the church, and amenable to its jurisdiction. They should adapt their selections of music, whether vocal or instrumental, to the awakening of devotional feeling, the deepening of religious impressions, and the expression of the sentiment embodied in the psalms and hymns, that the entire music of God's house may harmonize with the service of which it is a part, being conducted with due gravity, solemnity and reverence. It is recommended also that, as far as possible, meetings for rehearsal or mere musical practice be held during the week rather than on the Lord's day, that undue offence be not given to the consciences of Christian brethren, and that temptation to Sabbath desecration be not needlessly incurred.

The Assembly would remind the churches that the Scriptures nowhere recognize the service of song as to be performed by the few in behalf of the many; but teach us that the Lord delights in the "praise of all the people." This being the only part of his worship in which they distinctly and audibly unite, it is especially desirable that, as far as may be, the whole congregation shall engage therein; and, even when unfamiliar tunes are sung, it should not be without due reference to preparing the people for a more general participation. Moreover, while such advance is being made in the knowledge of the science and culture of the art of music, we would enjoin, in the language of our "Directory for Worship," chap. iv., sec. ii., that due attention be given to the study of "the rules of music," especially by the young, in order to a more intelligent and appreciative interest in this delightful part of God's worship.

In a former resolution upon a subject kindred to this (Assembly's Digest, page 197), the General Assembly called the attention of pastors and church sessions to the important fact that according to our standards "the whole internal arrangement of a church, as to worship and order, is committed to them." Form of Government, chap. ix., sec. vi.; Directory of Worship, chap. iv., sec. iv. Being thus responsible to God and the Church for the purity and propriety of this part of divine worship, they are to exercise a careful oversight thereof, that its sacred and devotional character be ever maintained. In so doing they are urged by this Assembly to cultivate a kind and fraternal spirit toward those who lead the music of the sanctuary, and to manifest an affection and appreciative interest in any endeavors they may make to improve the character of this service, to the end that harmony may be promoted, "and all things be done unto edifying."

The Hymnal in its present enlarged and completed form having been

adopted and recommended to the churches by this Assembly, its early introduction will, it is believed, contribute to render participation in this service of song more devout, uniform and general. Particular attention is called to the scriptural selections, arranged as chants, which adapt the book to a variety of tastes and preferences; and while the Assembly thus sends forth upon its sacred mission this, its new book of praise, our devout hope and prayer is, that to it may be granted the high honor of promoting the ends of true worship, aiding "the service of song in the house of the Lord," and helping his people "to sing with the spirit and with the understanding, making melody in their hearts to the Lord."—1867, p. 365, O. S.

III. The whole congregation should be furnished with books, and ought to join in this part of worship. It is proper to sing without parceling out the psalm, line by line. The practice of reading the psalm, line by line, was introduced in times of ignorance, when many in the congregation could not read: therefore, it is recommended, that it be laid aside, as far as convenient.

IV. The proportion of the time of public worship to be spent in singing, is left to the prudence of every minister: but it is recommended, that more time be allowed for this excellent part of divine service than has been usual in most of our churches.

a. Church Music is under the Control of the Session.

[In reply to an overture from the Synod of Cincinnati on the subject of instrumental music, the following minute was adopted:]

Whereas, By our Constitution (Form of Government, chap. ix., sec. vi., and Directory for Worship, chap. iv., sec. iv.), the whole internal arrangement of a church, as to worship and order, is committed to the minister and session; therefore,

Resolved, That this Assembly do not feel themselves called upon and obliged to take any further order on this subject, but leave to each session the delicate and important matter of arranging and conducting the music as to them shall seem most for edification, recommending great caution, prudence and forbearance in regard to it.—1845, pp. 21, 22, O. S.

b. A memorial asking the Assembly "to define the rights of a session of a church in regard to the singing in the house of God," answered by referring to the above action.—1858, p. 281, O. S. See also Form of Government, chap. ix., sec. vi., and sec. ii., above.

CHAPTER V.

OF PUBLIC PRAYER.

I. It seems very proper to begin the public worship of the sanctuary by a short prayer; humbly adoring the infinite majesty of the living God; expressing a sense of our distance from him as creatures, and unworthiness as sinners; and humbly imploring his gracious presence, the assistance of his Holy Spirit in the duties of his worship, and his acceptance of us through the merits of our Lord and Saviour Jesus Christ.

II. Then, after singing a psalm, or hymn, it is proper that, before sermon, there should be a full and comprehensive prayer. *First*, Adoring the glory and perfections of God, as they are made known to us in the works of creation, in the conduct of providence, and in the clear and full revelation he hath made of himself in his written word. *Second*, Giving thanks to him for all his mercies of every kind, general and particular, spiritual and temporal, common and special, above all, for Christ Jesus, his unspeakable gift; and the hope of eternal life through him. *Third*, Making humble confession of sin, both original and actual; acknowledging, and endeavoring to impress the mind of every worshiper with, a deep sense of the evil of all sin, as such; as being a departure from the living God; and also taking a particular and affecting view of the various fruits which proceed from this root of bitterness:—as, sins against God, our neighbor, and ourselves; sins in thought, in word, and in deed; sins secret and presumptuous; sins accidental and habitual. Also, the aggravations of sin, arising from knowledge, or the means of it; from distinguishing mercies; from valuable privileges; from breach of vows, etc. *Fourth*, Making earnest supplication for the pardon of sin, and peace with God, through the blood of the atonement, with all its important and happy fruits; for the spirit of sanctification, and abundant supplies of the grace that is necessary to the discharge of our duty; for support and comfort under all the trials to which we are liable, as we are sinful and mortal; and for all temporal mercies that may be necessary, in our passage through this valley of tears. Always remembering to view them as flowing in the channel of covenant-love, and intended to be subservient to the preservation and progress of the spiritual life. *Fifth*, Pleading from every principle warranted in Scripture; from our own necessity; the all-sufficiency of God; the merit and intercession of our Saviour; and the glory of God in

the comfort and happiness of his people. *Sixth*, Intercession for others, including the whole world of mankind; the kingdom of Christ, or his Church universal; the church or churches with which we are more particularly connected; the interest of human society in general, and in that community to which we immediately belong; all that are invested with civil authority; the ministers of the everlasting gospel; and the rising generation: with whatever else, more particular, may seem necessary, or suitable, to the interest of that congregation where divine worship is celebrated.

III. Prayer after sermon, ought generally to have a relation to the subject that has been treated of in the discourse; and all other public prayers, to the circumstances that gave occasion for them.

IV. It is easy to perceive, that in all the preceding directions there is a very great compass and variety; and it is committed to the judgment and fidelity of the officiating pastor to insist chiefly on such parts, or to take in more or less of the several parts, as he shall be led to by the aspect of Providence, the particular state of the congregation in which he officiates, or the disposition and exercise of his own heart at the time. But we think it necessary to observe, that although we do not approve, as is well known, of confining ministers to set or fixed forms of prayer for public worship; yet it is the indispensable duty of every minister, previously to his entering on his office, to prepare and qualify himself for this part of his duty, as well as for preaching. He ought, by a thorough acquaintance with the Holy Scriptures, by reading the best writers on the subject, by meditation, and by a life of communion with God in secret, to endeavor to acquire both the spirit and the gift of prayer. Not only so, but when he is to enter on particular acts of worship, he should endeavor to compose his spirit, and to digest his thoughts for prayer, that it may be performed with dignity and propriety, as well as to the profit of those who join in it; and that he may not disgrace that important service by mean, irregular, or extravagant effusions.

Liturgical Forms not Needed.

A paper from the Synod of Albany, containing some suggestions or resolutions in relation to the use of liturgical forms of worship, which they desire to be adopted by this General Assembly, was considered by your Committee this morning, when it was—

Resolved, That, as the usages and forms of the Presbyterian Church have been so uniform and acceptable for years past, from their scriptural simplicity; and as no extensive departure from, or change of, these usages and forms is likely to take place in the Presbyterian denomination, therefore it is the judgment of this Committee that no action by this Assembly is at present demanded.—1867, p. 498, N. S.

Resolved, That the practice of responsive reading of the Scriptures

in the public worship of the sanctuary is unwise in itself, and especially dangerous in this day, when it becomes the Church to withstand the tendency so strongly manifested in many places, to a liturgical and ritualistic service.—1869, p. 926, O. S.

CHAPTER VI.

OF THE PREACHING OF THE WORD.

I. THE preaching of the Word being an institution of God for the salvation of men, great attention should be paid to the manner of performing it. Every minister ought to give diligent application to it; and endeavor to prove himself a workman that needeth not to be ashamed; rightly dividing the word of truth.

Reading Sermons.

a. It is further enjoined that all our ministers and probationers forbear reading their sermons from the pulpit, if they can conveniently.—1761, p. 309.

b. The General Assembly has reason to believe that the practice of reading sermons in the pulpit is greatly on the increase amongst our ministers, and being decidedly of the opinion that it is not the best method of preaching the gospel, it hereby recommends the discontinuance of the practice as far as possible, and earnestly exhorts our younger ministers to adopt a different method, as more scriptural and effective.—1841, p. 448, O. S.

c. Whereas, This General Assembly has reason to believe that the practice of reading sermons in the pulpit is on the increase amongst our ministers; and being decidedly of opinion that it is not the most effective and acceptable method of preaching the gospel; therefore,

Resolved, That we do earnestly repeat the recommendation of the Assembly of 1841, that this practice be discontinued as far as practicable; and affectionately exhort our younger ministers and candidates for the ministry to adopt a different method as more scriptural and effective, and more generally acceptable to God's people."—1849, p. 271, O. S.

II. The subject of a sermon should be some verse or verses of Scripture; and its object, to explain, defend and apply some part of the system of divine truth; or, to point out the nature, and state the bounds and obligation, of some duty. A text should not be merely a motto, but should fairly contain the doctrine proposed to be handled. It is proper also that large portions of Scripture be sometimes expounded, and particularly improved, for the instruction of the people in the meaning and use of the Sacred Oracles.

Expository Preaching Commended.

That in the discharge of pastoral duties they take the utmost care that the word of God be known and understood by the people, and that for

this purpose, in their public instructions, the practice of lecturing on certain portions of the Scripture be not laid aside, but rather revived and increased.—1799, p. 182.

III. The method of preaching requires much study, meditation, and prayer. Ministers ought, in general, to prepare their sermons with care; and not to indulge themselves in loose, extemporary harangues; nor to serve God with that which cost them naught. They ought, however, to keep to the simplicity of the Gospel; expressing themselves in language agreeable to Scripture, and level to the understanding of the meanest of their hearers; carefully avoiding ostentation, either of parts or learning. They ought also to adorn, by their lives, the doctrine which they teach; and to be examples to the believers, in word, in conversation, in charity, in spirit, in faith, in purity.

IV. As one primary design of public ordinances is to pay social acts of homage to the Most High God, ministers ought to be careful not to make their sermons so long as to interfere with, or exclude, the more important duties of prayer and praise; but preserve a just proportion between the several parts of public worship.

V. The sermon being ended, the minister is to pray, and return thanks to Almighty God; then let a psalm be sung; a collection raised for the poor, or other purposes of the church; and the assembly dismissed with the apostolic benediction.

VI. It is expedient, that no person be introduced to preach in any of the churches under our care, unless by the consent of the pastor, or church session.

CHAPTER VII.

OF THE ADMINISTRATION OF BAPTISM.

I. Baptism is not to be unnecessarily delayed; nor to be administered, in any case, by any private person; but by a minister of Christ, called to be the steward of the mysteries of God.

1. Age of Infancy not Determined.

The Committee to which was referred the question, "At what age ought children to be considered too old to be baptized on the faith of their parents?" reported the following answer; which, being read, was adopted, viz.:

The precise time of life when the state of infancy ceases, is not determined in the word of God, nor by the standards of our Church, and, from

the nature of the case, is incapable of being regulated by any uniform rule, but should be left to the judgment of ministers and sessions, to be determined according to the particular circumstances of each case. The Assembly, therefore, deem it inexpedient to attempt to fix the precise time at which children ought to be considered too old to be baptized on the faith of their parents.—1822, p. 53.

2. Baptism by an Impostor Null and Invalid.

Whereas, A certain person pretending at Egg Harbor to be a minister regularly ordained among the Presbyterians, under that character baptized some adults and infants, and it appearing to the Synod that his pretences were false, having at that time no license or ordination, it is our opinion that all the gospel ordinances he administered under that false and pretended character are null and invalid.—1752, p. 249.

3. By a Profligate.—Cases to be Judged of by the Session.

The following question was proposed by the Committee of Overtures, viz.:

Ought such persons to be rebaptized as have been offered in baptism by notoriously profligate parents, and baptized by ministers of the same description?

Resolved, That it is a principle of the Church that the unworthiness of the ministers of the gospel does not invalidate the ordinances of religion dispensed by them. It is also a principle that as long as any denomination of Christians is acknowledged by us a Church of Christ, we ought to hold the ordinances dispensed by it as valid, notwithstanding the unworthiness of particular ministers. Yet, inasmuch as no general rule can be made to embrace all circumstances, there may be irregularities in particular administrations by men not yet divested of their office, either in this or in other churches, which may render them null and void. But as these irregularities must often result from circumstances and situations that cannot be anticipated and pointed out in the rule, they must be left to be judged of by the prudence and wisdom of church sessions, and the higher judicatories to which they may be referred. In such cases, it may be advisable to administer the ordinance of baptism in a regular manner, where a profane exhibition of the ceremony may have been attempted. These cases and circumstances, however, are to be inquired into by the church sessions, and referred to a Presbytery before a final decision.—1790, p. 26.

4. Unitarian Baptism.

a. A person who had been baptized in infancy by Dr. Priestly applied for admission to the Lord's table. Should the baptism administered by Dr. Priestly, then a Unitarian, be considered valid?

Resolved, That this question be answered in the negative.

In the present state of our country, whilst Unitarian errors in various forms are making their insidious approaches; whilst the advocates of this heresy in many cases are practicing a system of concealment, and insinuating themselves into the confidence of multitudes who have no suspicion of their defection from the faith, the Assembly feel it to be their duty to speak without reserve.

It is the deliberate and unanimous opinion of this Assembly that those who renounce the fundamental doctrine of the Trinity, and deny that Jesus Christ is the same in substance, equal in power and glory with

the Father, cannot be recognized as ministers of the gospel; and that their ministrations are wholly invalid.—1814, p. 549.

b. Whether baptism, administered by the denomination of "Disciples" (usually styled Campbellites), ought to be regarded as valid.

Answered in the negative.—1864, p. 316, O. S.

5. By a Minister after he is Deposed.

A reference from the Presbytery of Hudson, requesting of the Assembly an answer to the following question, was received and read, viz.:

Is baptism administered by a minister after he is deposed from office valid?

Resolved, That in answer to this question, the Presbytery be referred to chap. vii., sec. i., of the Directory for Public Worship.—1819, p. 701.

6. By a Suspended Minister.

The following overture was presented by the Committee of Overtures, viz.: "Can a Presbytery consistently acknowledge as valid the ordinance of baptism as administered by those who are regularly suspended by a higher judicatory of the Church?

"If not, how are we to regard the baptism of the Cumberland Presbyterians?"

The Assembly resumed the consideration of the report of the Committee on the overture respecting the Cumberland Presbyterians. After considerable discussion, the report of the Committee was adopted, and is as follows, viz.:

1. That in the opinion of this Assembly, ministers of the Presbyterian Church, when regularly suspended by the competent judicatories, have no right to exercise the functions of a minister during that suspension,

2. That while those persons styling themselves the Cumberland Presbytery were under suspension, their administrations are to be considered as invalid; but after the General Assembly have declared them to be no longer connected with our Church, their administrations are to be viewed in the same light with those of other denominations not connected with our body. This decision is grounded on the opinion that the Act of the Assembly of 1814 precluded the propriety of deposition, or any other process in the case.—1825, pp. 145, 156.

7. The Question, Is Baptism in the Church of Rome Valid? answered in the Negative.

a. The question presented to this Assembly by overture from the Presbytery of Ohio, "*Is baptism in the Church of Rome valid?*" is one of a very grave character, and of deep practical importance. The answer to it must involve principles vital to the peace, the purity and the stability of the Church of God.

After a full discussion, carried through several days, this Assembly has decided, by a nearly unanimous vote [173 yeas to 8 nays], that *baptism so administered is not valid.*

b. Because, since baptism is an ordinance established by Christ in his Church (Form Gov., chap. vii., Matt. xxviii., 19, 20), and is to be administered only by a minister of Christ, duly called and ordained to be a steward of the mysteries of God (Directory, chap. vii., sec. i.), it follows that no rite administered by one who is not himself a duly ordained minister of the true Church of God visible, can be regarded as an ordinance of

Christ, whatever be the name by which it is called, whatever the form employed in its administration. The so-called priests of the Romish communion are not ministers of Christ, for they are commissioned as agents of the papal hierarchy, which is not a Church of Christ, but the Man of Sin, apostate from the truth, the enemy of righteousness and of God. She has long lain under the curse of God, who has called his people to come out from her, that they be not partakers of her plagues.

c. It is the unanimous opinion of all the Reformed Churches, that the whole papal body, though once a branch of the visible Church, has long since become utterly corrupt, and hopelessly apostate. It was a conviction of this which led to the Reformation, and the complete separation of the Reformed body from the papal communion. Luther and his coadjutors, being duly ordained presbyters at the time when they left the Romish communion, which then, though fearfully corrupt, was the only visible Church in the countries of their abode, were fully authorized by the word of God, to ordain successors in the ministry, and so to extend and perpetuate the Reformed Churches as true Churches of Christ, while the contumacious adherence of Rome to her corruptions, as shown in the decisions of the Council of Trent (which she adopts as authoritative), cuts her off from the visible Church of Christ, as heretical and unsound. This was the opinion of the Reformers, and it is the doctrine of the Reformed Churches to this day. In entire accordance to this is the decision of the General Assembly of our Church, passed in 1835 (see Minutes of General Assembly, vol. 8, p. 33), declaring the Church of Rome to be an apostate body.

d. The decision by the Assembly of 1835, renders the return of a negative to the inquiry proposed by the Presbytery of Ohio, *indispensable on the ground of consistency;* unless we are prepared to admit, in direct contradiction to the standards of the Presbyterian Church, that baptism is not an ordinance established by Christ in his Church exclusively, and that it may be administered by an agent of the Man of Sin, an emissary of the prince of darkness; that it may be administered in sport or in blasphemy, and yet be valid as though administered by a duly commissioned steward of the mysteries of God.

e. Nor can it be urged that the papal hierarchy is improving in her character, and gradually approximating to the scriptural standard. She claims to be *infallible:* her dogmas she promulgates as the doctrines of heaven; and she pronounces her heaviest anathema against any and every man who questions her authority, and refuses to bow to her decisions. She cannot recede from the ground she has assumed. She has adopted as her own, the decisions of the Council of Trent, which degrade the word of God; which claim equal authority for the Apocrypha as for the New Testament; and which declare the sense held and taught by holy mother Church, on the authority of tradition and of the Fathers, to be the true and only sense of Scripture. All who deny this position, or who question her authority, she denounces with the bitterest curses.

f. She thus perverts the truth of God; she rejects the doctrine of justification by faith; she substitutes human merit for the righteousness of Christ; and self-inflicted punishment for gospel repentance: she proclaims her so-called baptism to be regeneration, and the reception of the consecrated wafer in the eucharist, to be the receiving of Christ himself, the source and fountain of grace, and with him all the grace he can impart. Is this the truth? Is reliance on this system, true religion? Can, then, the papal body be a Church?

g. The Church (*i. e.*, the Church visible), as defined in our standards, is

the whole body of those persons, together with their children, who make profession of *the holy religion of Christ*, and of submission to his laws. (Form Gov., chap. ii., sec. ii.) As certainly then, as the dogmas and practices of papal Rome are not the *holy religion of Christ*, must it be conceded, that the papal body is not a Church of Christ at all; and if not, then her agents, be they styled priests, bishops, archbishops, cardinals or pope, are not ministers of Christ in any sense; for they have no connection with his true visible Church; and not being true ministers of Christ, they have no power to administer Christian ordinances, and the rite they *call* baptism, is not, in any sense, to be regarded as valid Christian baptism.

h. Further, by the perverted meaning they affix, and the superstitious rites they have superadded to the ceremonies they perform under the name of baptism and the eucharist, the symbolical nature and true design of both the ordinances of baptism and the Lord's Supper are lost sight of and utterly destroyed—so that, could we by any possibility assign to her the *name* of *a Church*, she would still be a Church without the two grand ordinances of the gospel; she neither administers Christian baptism, nor celebrates the Supper of our Lord.

i. Moreover, since, by the 11th canon of the Council of Trent, she declares the efficacy of her ordinances to depend upon the *intention* of the administrator, no man can know with certainty that her form of administration in any ordinance is not a mere mockery: no consistent papist can be certain that he has been duly baptized, or that he has received the veritable eucharist: he cannot *know*, that the priest who officiates at his altar is a true priest, nor that there is actually any one true priest, or any one prelate rightly consecrated in the whole papal communion. The papal hierarchy has by her own solemn act shrouded all her doings in uncertainty, and enveloped all her rites in hopeless obscurity. Even on this ground alone, the validity of her baptism might safely be denied.

j. Nor is the fact that instances now and then occur of apparent piety in the members of her communion, and of intelligence, zeal and conscientiousness in some of her priests, any ground of objection against the position here taken by this Assembly. The virtues of individuals do not purify the body of which they are members. We are to judge of the character of a body claiming to be a Church of Christ—not by the opinions or practices of its individual members, but by its standards and its allowed practices. Bound as he is by the authority of his Church—and that on pain of her heaviest malediction—to understand the Scriptures only in the sense in which his Church understands and explains them, a consistent papist cannot receive or hold the true religion, or the doctrines of grace. If he does, he must either renounce the papacy, or hypocritically conceal his true sentiments, or he must prepare to brave the thunders of her wrath. True religion and an intelligent adherence to papal Rome are utterly imcompatible and impossible. The Church and the papacy are the repelling poles of the moral system.

k. Difficulties may possibly arise in individual cases. It may not be easy at all times to say whether an applicant for admission into the Church of Christ has, or has not, been baptized: whether he has been christened by a popish pastor or not. In all such doubtful cases the session of a church must act according to the light before them. But it is safer and more conducive to peace and edification, to embrace a well established principle for our guidance, and act upon it firmly in the fear of God, leaving all consequences with him, than to suffer ourselves, without any fixed principles, to be at the mercy of circumstances.

l. While some other Churches may hesitate to carry out fully the principle of the Reformation, in wholly repudiating popish baptism, as well as the popish mass, we, as Presbyterians, feel bound to act on the principle laid down by our Assembly so long ago as 1790, that, so long as a body is by us recognized as a true Church, are her ordinances to be deemed valid, and no longer.

In 1835 the Assembly declared the papacy to be apostate from Christ, and no true Church. As we do not recognize her as a portion of the visible Church of Christ, we cannot, consistently, view her priesthood as other than usurpers of the sacred functions of the ministry, her ordinances as unscriptural, and her baptism as totally invalid.—1845, pp. 15, 34, O. S.

8. The Question Indefinitely Postponed.

The Committee on the Polity of the Church reported an overture from the Third Presbytery of New York, which is as follows:

Is baptism, as administered by the Roman Catholic Church, to be regarded as Christian baptism? [Referred to a Committee—Drs. E. F. Hatfield, S. H. Cox and Henry B. Smith—to consider the subject, and report to the next General Assembly.]—1853, p. 342, N. S.

The majority and minority of the Committee each made a report, which were discussed at great length. And the whole subject indefinitely postponed.—1854, p. 512, N. S.

9. The Deliverance of 1845 Affirmed.

Overture from the Presbytery of Tuscaloosa, asking whether the ordinance of baptism ought to be administered to a person before reception into our Church who presents a certificate of good and regular standing in the New School Presbyterian Church, but who has received only Roman Catholic baptism.

The Committee answer that the mere fact that a person has been a member of another church has nothing to do with his original baptism. The memorialists are referred to the action of the Assembly in 1845.

Adopted.—1859, p. 535, O. S.

10. Ruling Elders may not Administer Sealing Ordinances.

Overture from the Presbytery of Peoria on the authority of ruling elders to administer sealing ordinances. The Committee recommend that they be referred to the Standards, chap. vii., sec. i., and chap. viii., Directory for Worship, throughout.

Adopted.—1870, p. 22.

II. It is usually to be administered in the church, in the presence of the congregation; and it is convenient that it be performed immediately after sermon.

III. After previous notice is given to the minister, the child to be baptized is to be presented, by one or both the parents, signifying their desire that the child may be baptized.

1. Who may be Presented for Baptism.

a. Not only those that do actually profess faith in and obedience unto Christ, but also the infants of one or both believing parents are to be baptized.—*Confession of Faith*, chap. xxviii., sec. iv.

b. Baptism is not to be administered to any that are out of the visible Church, and so strangers from the covenant of promise, till they profess their faith in Christ and obedience to him; but infants descending from parents, either both or but one of them, professing faith in Christ and obedience to him, are, in that respect, within the covenant, and are to be baptized.—*Larger Catechism*, ques. 166; *Shorter Catechism*, ques. 95.

2. The Duty of Christian Masters to have their Servants Baptized.

The following case of conscience from Donegal Presbytery was overtured, viz., whether Christian masters or mistresses ought, in duty, to have such children baptized as are under their care, though born of parents not in the communion of any Christian church. Upon this overture Synod are of opinion that Christian masters and mistresses, whose religious professions and conduct are such as to give them a right to the ordinance of baptism for their own children, may and ought to dedicate the children of their household to God in that ordinance when they have no scruple of conscience to the contrary.—1786, p. 527.

3. Of Christian Slaves to have their Children Baptized.

It was overtured whether Christian slaves, having children at the entire direction of unchristian masters, and not having it in their power to instruct them in religion, are bound to have them baptized, and whether a gospel minister in this predicament ought to baptize them, and Synod determined the question in the affirmative.—1786, p. 527.

4. Infant Slaves of Christian Masters.

Ought baptism, on the profession and promise of the master, to be administered to the children of slaves?

1. It is the duty of masters who are members of the Church to present the children of parents in servitude to the ordinance of baptism, provided they are in a situation to train them up in the nurture and admonition of the Lord, thus securing to them the rich advantages which the gospel provides.

2. It is the duty of Christ's ministers to inculcate this doctrine, and to baptize all children of this description when presented by their masters.—1816, p. 617.

5. Orphan Children of Heathen Parents in the Care of our Missions.

The General Assembly of the Presbyterian Church in the United States of America to the Presbytery of Lodiana:

Dear Brethren: You have submitted to us questions respecting a subject which we have no doubt is one of very great importance in regard to the progress of religion among the heathen. We have seriously considered it, and give you here the result of our deliberations.

You present to us three questions, to which we reply in the order in which the same are presented.

a. 1. Are all orphan children of heathen parents, committed to the care of our missions, entitled to the benefits of the ordinance of baptism without respect to their ages?

We reply, certainly they are not.

You must make the same distinction that you would make if their parents were alive and members of the Christian Church, and desiring to have them baptized, the same distinction which is made in Christian coun-

tries. We add, let those children only be baptized in every case who are so committed to the missions, or other Christian tuition, as to secure effectually their entire religious education. On this point great caution is necessary.

b. 2. You ask (on the presumption that the preceding question is answered in the negative), Are those only to be baptized who have not attained to years of discretion?

This question we answer in the affirmative.

c. 3. Your third question is in substance as follows: If those only who have not attained to years of discretion are to be baptized, at what age shall the federal right be supposed to cease and personal responsibility to commence?

Although it is not difficult to answer this question in accordance with the standards and the practice of the Presbyterian Church, yet the rule may frequently be found difficult of application. Our answer to the question, however, is:

The officers of the Church must judge in each particular case whether the proposed subject of baptism has arrived at years of discretion or not. We can adopt no other rule in our own practice, and we can recommend no other to you. We refer you to chap. ix., sec. ii., of our Directory for Worship. If the person proposed to be baptized has acquired that maturity of mind which renders him capable of making an intelligent profession of religion himself, he ought not to be baptized on the faith of another. Our Confession of Faith recognizes the right to baptism of the infant children only of such parents as are members of the Church. We do not doubt that in heathen countries children of heathen parents ordinarily arrive at what are called *years of discretion* later than those who enjoy the advantages of Christian instruction in early life; but in a country where the religion of all consists in forms and ceremonies, great care should be taken that the Christian religion does not even appear to partake of the formality and emptiness of Mohammedanism and Paganism.—1843, p. 179, O. S.

6. Obligations and Qualifications of Parents.

a. The Synod do also exhort all the ministers within our bounds to take due care in the examination of all candidates for baptism, or that offer to dedicate their children to God in that sacred ordinance, that they are persons of a regular life, and have suitable acquaintance with the principles of the Christian religion; that that seal be not set to a blank, and that such be not admitted to visible church relation that are manifestly unfit for it.—1735, p. 115.

b. That previously to the administration of baptism, the minister shall inquire into the parents' knowledge of the great and fundamental doctrines of the gospel, and the regularity of their lives; and being satisfied so as to admit them, shall, in public, point out the special duties of the parents, and particularly that they teach their children the doctrines and precepts of Christianity, contained in the scriptures of the Old and New Testaments, and comprised in the Westminster Confession of Faith and Catechisms, which therefore he shall recommend unto them.—1755, p. 267.

c. The following reference from the Synod of Philadelphia was laid before the Assembly: As baptism is to be administered to the infants of those who are members of the visible Church (but our Directory leaves the description of the visible and credible profession of Christianity vague and indefinite), it is humbly proposed to the Assembly to give some precise direction and definition of such a profession for the information of

its ministers. In answer to the above reference, the Assembly judged it unnecessary, and perhaps impracticable, to deliver rules more explicit than those contained in the standards of our Church; but should cases of difficulty arise, they must be decided respectively, according to their own merits, before the proper judicatories.—1794, p. 91.

d. Our Confession of Faith recognizes the right to baptism of the infant children only of such parents as are members of the Church.—1843, p. 180, O. S.

IV. Before baptism, let the minister use some words of instruction, respecting the institution, nature, use, and ends of this ordinance; showing,

That it is instituted by Christ; that it is a seal of the righteousness of faith; that the seed of the faithful have no less a right to this ordinance, under the gospel, than the seed of Abraham to circumcision, under the Old Testament; that Christ commanded all nations to be baptized; that he blessed little children, declaring that of such is the kingdom of heaven; that children are federally holy, and therefore ought to be baptized; that we are, by nature, sinful, guilty, and polluted, and have need of cleansing by the blood of Christ, and by the sanctifying influences of the Spirit of God.

The minister is also to exhort the parents to the careful performance of their duty; requiring,

That they teach the child to read the word of God; that they instruct it in the principles of our holy religion, as contained in the Scriptures of the Old and New Testament; an excellent summary of which we have in the Confession of Faith of this Church, and in the Larger and Shorter Catechisms of the Westminster Assembly, which are to be recommended to them, as adopted by this Church, for their direction and assistance, in the discharge of this important duty; that they pray with and for it; that they set an example of piety and godliness before it, and endeavor by all the means of God's appointment, to bring up their child in the nurture and admonition of the Lord.

1. Parents required to Enter into Engagements.

The following question, through the Committee of Overtures, was read, viz.:

Whether, besides requiring of parents dedicating their children to God in baptism, an express acknowledgment of the duties of parents, and recommending to them the observance thereof, it should be considered as essential to require that they come under an explicit vow or solemn engagement also to perform those duties? whereupon the Assembly

Resolved, That an answer to this question is contained in the Directory for Public Worship of this Church, under the head of the Administration of Baptism, which requires an express engagement upon the part of parents.—1794, p. 89.

V. Then the minister is to pray for a blessing to attend this ordinance; after which, calling the child by its name, he shall say,

"I baptize thee, in the name of the Father, and of the Son, and of the Holy Ghost."

As he pronounces these words, he is to baptize the child with water, by pouring, or sprinkling, it on the face of the child, without adding any other ceremony: and the whole shall be concluded with prayer.

Although it is proper that baptism be administered in the presence of the congregation; yet there may be cases when it will be expedient to administer this ordinance in private houses; of which the minister is to be the judge.

Mode of Baptism.

Is it expedient, in the present state of the Church, for a Presbyterian minister to baptize by immersion in any case?

The Confession of Faith, chap. xxviii., sec. iii., teaches as follows, viz.: Dipping of the person into the water is not necessary; but baptism is rightly administered by pouring or sprinkling of water upon the person. Your Committee see no cause for adding anything to the doctrine of the Confession on this subject. Adopted.—1834, p. 433.

CHAPTER VIII.

OF THE ADMINISTRATION OF THE LORD'S SUPPER.

I. The communion, or supper of the Lord, is to be celebrated frequently; but how often, may be determined by the minister and eldership of each congregation, as they may judge most for edification.

1. Where there is no Church Organized.

a. It was moved that the restriction laid by the last General Assembly on our missionaries, which confines them to administer the ordinance of the Lord's Supper in such places only where there are church officers regularly appointed, be repealed, and it is hereby repealed accordingly.—1798, p. 146.

2. Not Usually in the Bounds of a Congregation without Consent.

While the Assembly, as a general principle, disapprove of the administration of the sacraments, by one of their ministers, within the bounds of a congregation with which he is not connected, without the consent of the minister and session of said congregation; yet under the peculiar local circumstances of the people among which Mr. Maccalla occasionally administered ordinances, the Assembly cannot decide that he deserves censure. Therefore, *Resolved*, That the decision of the Synod of Kentucky, affirming a decision of the Presbytery of Ebenezer in regard to the com-

plaint of the Rev. Mr. Dobbins, against the Rev. Mr. Maccalla, be, and it hereby is affirmed.—1824, p. 124.

3. Where a Minister may Statedly Preach, he may Administer the Lord's Supper.

The Judicial Commission appointed to hear and try an appeal and complaint of the church and congregation of Mifflinburg against the action of the Synod of Philadelphia, on the appeal and complaint of the Rev. Isaac Grier, D. D., beg leave to report:

That they have issued the case *pro forma*, according to the directions of the Book of Discipline in the case of appeals and complaints, and after a full hearing, do unanimously adjudge:

1st. That the decision of the Synod of Philadelphia, affirming the right of Rev. Mr. Grier to preach in Mifflinburg to the people of his charge, be approved and confirmed.

2d. That the restriction preventing him from administering the Lord's Supper in Mifflinburg, except under extraordinary circumstances, be removed.—1870, p. 31.

4. Administered in a Private House in Sickness.

Overture No. 12, from the Central Presbytery of Philadelphia, asking the Assembly to decide whether, in no case of sickness or of conversion, however peculiar, the session of a church is not at liberty to administer the Lord's Supper in a private house.

The Committee recommend the following minute:

The standards of our Church are clear in their teaching, that the Lord's Supper is not to be received by any one alone, yet, in cases of protracted sickness or approaching death, when the desire is very strongly urged by a member of the church, to enjoy the administration of the Lord's Supper, a pastor, having duly admonished the applicant that such ordinance, however a source of spiritual comfort, is not, in such cases, an imperative duty, or indispensable to salvation, may, with a member of his session, and such communicants as may appropriately be permitted to partake in such solemnity, proceed to administer this sacrament—a minute of every such act to be entered on the records of session.

The recommendation was adopted.—1863, p. 37, O. S.

[For answer as to question on the authority of ruling elders to administer sealing ordinances, see above, chap. vii., sec. i.]

II. The ignorant and scandalous are not to be admitted to the Lord's Supper.

III. It is proper that public notice should be given to the congregation, at least, the Sabbath before the administration of this ordinance, and that, either then, or on some day of the week, the people be instructed in its nature, and a due preparation for it; that all may come in a suitable manner to this holy feast.

IV. When the sermon is ended, the minister shall show,

That this is an ordinance of Christ; by reading the words of institution, either from one of the evangelists, or from 1 Cor., xi. chapter; which, as to him may appear expedient, he may explain and apply; that it is to be observed in remembrance of Christ, to show

forth his death till he come; that it is of inestimable benefit, to strengthen his people against sin; to support them under troubles; to encourage and quicken them in duty; to inspire them with love and zeal; to increase their faith, and holy resolution; and to beget peace of conscience, and comfortable hopes of eternal life.

He is to warn the profane, the ignorant, and scandalous, and those that secretly indulge themselves in any known sin, not to approach the holy table. On the other hand, he shall invite to this holy table, such as, sensible of their lost and helpless state of sin, depend upon the atonement of Christ for pardon and acceptance with God; such as, being instructed in the gospel doctrine, have a competent knowledge to discern the Lord's body, and such as desire to renounce their sins, and are determined to lead a holy and godly life.

1. The Ignorant or Scandalous Excluded.

Such as are found to be ignorant or scandalous, notwithstanding their profession of the faith, and desire to come to the Lord's Supper, may and ought to be kept from that sacrament by the power which Christ hath left in his Church, until they receive instruction, and manifest their reformation.—*Larger Catechism*, quest. 173.

2. Not the Custom to Invite those who have not Professed Christ.

Overture No. 42, asking if it accords with the spirit and usage of the Presbyterian Church, to invite persons, believers, not members of any evangelical church, to partake of the Lord's Supper. The Committee recommend the reply, that "it is *not* in accordance with the spirit and usage of the Presbyterian Church to extend such invitations." Adopted.—1872, p. 75.

V. The table, on which the elements are placed, being decently covered, the bread in convenient dishes, and the wine in cups, and the communicants orderly and gravely sitting around the table (or in their seats before it), in the presence of the minister; let him set the elements apart, by prayer and thanksgiving.

The bread and wine being thus set apart by prayer and thanksgiving, the minister is to take the bread, and break it, in the view of the people, saying, in expressions of this sort:

"Our Lord Jesus Christ, on the same night in which he was betrayed, having taken bread, and blessed and broken it, gave it to his disciples; as I, ministering in his name, give this bread unto you, saying [here the bread is to be distributed], Take, eat: this is my body, which is broken for you: this do in remembrance of me."

After having given the bread, he shall take the cup, and say,

"After the same manner, our Saviour also took the cup; and having given thanks, as hath been done in his name, he gave it to the disciples; saying [while the minister is repeating these words let him

give the cup], This cup is the new testament in my blood, which is shed for many, for the remission of sins: drink ye all of it."

The minister himself is to communicate, at such time as may appear to him most convenient.

The minister may, in a few words, put the communicants in mind,

"Of the grace of God, in Jesus Christ, held forth in this sacrament; and of their obligation to be the Lord's; and may exhort them to walk worthy of the vocation wherewith they are called; and, as they have professedly received Christ Jesus the Lord, that they be careful so to walk in him, and to maintain good works."

It may not be improper for the minister to give a word of exhortation also to those who have been only spectators, reminding them,

"Of their duty; stating their sin and danger, by living in disobedience to Christ, in neglecting this holy ordinance; and calling upon them to be earnest in making preparation for attending upon it, at the next time of its celebration."

Then the minister is to pray, and give thanks, to God,

"For his rich mercy, and invaluable goodness, vouchsafed to them in that sacred communion; to implore pardon for the defects of the whole service; and to pray for the acceptance of their persons and performances; for the gracious assistance of the Holy Spirit, to enable them, as they have received Christ Jesus the Lord, so to walk in him; that they may hold fast that which they have received, that no man take their crown; that their conversation may be as becometh the Gospel; that they may bear about with them, continually, the dying of the Lord Jesus, that the life also of Jesus may be manifested in their mortal body; that their light may so shine before men, that others, seeing their good works, may glorify their Father, who is in heaven."

The collection, for the poor, and to defray the expense of the elements, may be made after this, or at such other time as may seem meet to the eldership.

Now let a psalm or hymn be sung, and the congregation dismissed, with the following or some other gospel benediction:

"Now the God of peace, that brought again from the dead our Lord Jesus, that great Shepherd of the sheep, through the blood of the everlasting covenant, make you perfect in every good work to do his will, working in you that which is well pleasing in his sight, through Jesus Christ; to whom be glory for ever and ever. *Amen.*"

VI. As it has been customary, in some parts of our Church, to observe a fast before the Lord's Supper; to have a sermon on Saturday and Monday; and to invite two or three ministers, on such occasions; and as these seasons have been blessed to many souls and may

tend to keep up a stricter union of ministers and congregations; we think it not improper, that they who choose it may continue in this practice.

CHAPTER IX.

OF THE ADMISSION OF PERSONS TO SEALING ORDINANCES.

I. CHILDREN, born within the pale of the visible Church, and dedicated to God in baptism, are under the inspection and government of the Church; and are to be taught to read, and repeat the Catechism, the Apostles' Creed, and the Lord's Prayer. They are to be taught to pray, to abhor sin, to fear God, and to obey the Lord Jesus Christ. And, when they come to years of discretion, if they be free from scandal, appear sober and steady, and to have sufficient knowledge to discern the Lord's body, they ought to be informed, it is their duty, and their privilege, to come to the Lord's Supper.

[See also Book of Discipline, chap. i., sec. vi.]

1. Pastoral Care over Baptized Children.

a. Whereas, The Book of Discipline states that children born within the pale of the visible Church, and dedicated to God in baptism, are under the inspection and government of the Church, and specifies various important particulars in which that inspection and government should be exercised, as also directs the mode in which they shall be treated if they do not perform the duties of church members; and whereas, there is reason to apprehend that many of our congregations neglect to catechise the children that have been admitted to the sealing ordinance of baptism, and do not exercise suitable discipline over them; therefore,

Resolved, That the different Presbyteries within our bounds are hereby directed to inquire of the different sessions whether a proper pastoral care be exercised over the baptized children in their congregations, that they learn the principles of religion, and walk in newness of life before God, and that said Presbyteries do direct all sessions delinquent in this respect to attend to it carefully and without delay.—1809, p. 431.

b. Resolved, That the General Assembly recommend, and they do hereby recommend to the pastors and sessions of the different churches under their care, to assemble as often as they may deem necessary during the year the baptized children, with their parents, to recommend said children to God in prayer, explain to them the nature and obligations of their baptism, and the relation they sustain to the Church.—1818, p. 691.

2. Discipline of Baptized Children.—The Subject Postponed.

a. How far, and in what sense, are persons who have been regularly baptized in infancy, and have not partaken of the sacrament of the Lord's Supper, subject to the discipline of the Church?

Resolved, That the public standards of this Church contain a sufficient answer to the question stated in the above reference.—1799, p. 171.

b. [The Book of the Synod of Kentucky] contains a reference from said Synod to this Assembly of a case relative to the disciplining of baptized persons arrived at maturity, not in communion.

This reference was committed to Dr. Clark, Messrs. Nathan Grier and Picton, who were directed to report to the Assembly on the subject.—1811, p. 468.

The Committee . . . brought in their report, which was read, and the subject indefinitely postponed.—1811, p. 475.

c. Resolved, That Drs. Miller and Romeyn, and Rev. James Richards, be a Committee to prepare and report to the next Assembly a full and complete answer to the following overture from the Synod of Kentucky, viz.:

What steps should the Church take with a baptized youth, not in communion, but arrived at the age of maturity, should such youth prove disorderly and contumacious?—1811, p. 480.

The Committee appointed by the last Assembly to report to this Assembly on the subject of disciplining baptized children, reported, and the report was recommitted to the same Committee for revision and publication, and it was

d. Resolved, That the Assembly, without expressing any opinion on the principles it contains, recommend it to the serious consideration of all the Presbyteries and ministers that in due time a decision may be had on the important subjects discussed in the report.—1812, p. 509.

e. [In 1814 the matter came up again, and it was]

Resolved, That the whole subject be referred to a Committee, to consider and report to the Assembly what shall appear to them to be the correct method of procedure to be adopted relative thereto, in the circumstances in which it is now before the Assembly, and that Drs. Green, Woodhull and Wilson, and Messrs. Caldwell and Connelly, be the Committee.—1814, p. 543.

f. The report on the subject of disciplining baptized children, which had at a former session of this Assembly been laid on the table, was again read and recommitted to the same Committee, with the addition of Drs. Griffin and Blatchford, and Messrs. Blackburn, Fisher and Haslett.—*Ib.*, p. 551.

[This Committee was subsequently discharged, and the whole subject indefinitely postponed.—1814, p. 567.]

g. A reference from the Presbytery of Fayetteville on the subject of excommunicating a person who had been baptized, but had not been received into full communion of the Church, was overtured, and was committed to Dr. Miller, Messrs. Finley, Freeman, Cook and Haslett.

The unfinished business of yesterday, viz., the consideration of the report of the Committee to which had been committed the reference of the Presbytery of Fayetteville, concerning the proper construction of the first article of the first chapter of the forms of process, relative to persons who have been baptized, but have not been admitted to the Lord's table, was resumed. After a long discussion on the subject, a motion was made and seconded for an indefinite postponement. The question being taken, was determined in the affirmative, and therefore the further consideration of the subject was indefinitely postponed.—1815, pp. 578, 589.

h. In consequence of but little being said [in the presbyterial narratives] in regard to the care and instruction of the baptized children of the Church, the Assembly fears that there is a lamentable deficiency in this respect. Let us, as we value that covenant which makes the promise not only ours but our children's, take a more diligent oversight of these youthful mem-

bers of our Church. Too often are they left to wander unrestrained and forgotten in the paths of error and of sin. Can the Church answer to her great Head, if this neglect of duty be not mourned over and corrected?—1835, p. 37.

3. Children should be trained in the Faith of our Fathers.

We have two suggestions to make to Christian parents on this general subject. One is, that they cause their children to be brought up in the faith of their fathers. We do not mean by this that our youth should be prevented from following out their honest convictions of duty; but that they should be dissuaded from uniting with other denominations from mere caprice or childish fancies. We consider the conduct of those parents who suffer their children to abandon our own Church without any adequate reason, as in a high degree reprehensible, and calculated to inflict a serious injury both on the Church and on their divided households.—1840, p. 310, O. S.

4. Catechetical Instruction.

a. The following resolutions on the subject of catechetical instruction were unanimously adopted, viz.:

1. *Resolved*, That this General Assembly considers the practice of catechetical instruction as well adapted to the prosperity and purity of our Zion.

2. *Resolved*, That this Assembly view also with deep regret the neglect, on the part of many of our churches, of this good old practice of our fathers—a practice which has been attended with such blessed results to the cause of pure and undefiled religion.

3. *Resolved*, That the institution of Sabbath-schools does not exonerate ministers and parents from the duty of teaching the Shorter Catechism to the children of the Church.

4. *Resolved*, That this Assembly earnestly and affectionately recommend to all the ministers and ruling elders in its connection to teach diligently the young of their respective congregations the Assembly's Shorter Catechism.—1849, p. 181, N. S.

5. Family Training essential to the Increase of the Ministry and the Church.

b. Resolved, That the Assembly regard Christian training at all periods of youth, and by all practicable methods, especially by parents at home, by teachers in institutions of learning, and by pastors through catechetical and Bible classes, as binding upon the Church, according to the injunction, Train up a child in the way he should go, and as having a vital connection with the increase of the numbers and efficiency of the ministry and of the stability and purity of the Church.—1854, p. 30, O. S.

6. Placing Children in Catholic Schools a Violation of Covenant Engagement.

What course ought church sessions to pursue with members of the Church who send their children to Catholic boarding-schools, where they are entirely deprived of the evangelical means of grace, and are obliged to attend upon papistical services?

1. *Resolved*, That this Assembly deem such conduct on the part of any Protestant parents, whether church members or not, as highly injudicious, fraught with great danger to their children, and utterly inconsistent with every principle of Protestantism.

2. *Resolved*, That we deem such conduct in church members, whose children have been dedicated to God in baptism, as a violation of their vows made in that ordinance, and a great hindrance to the training up of their children in the nurture and admonition of the Lord.

3. *Resolved*, That it be recommended to all ministers in our connection where such a practice exists, to present this subject from the pulpit, and in other suitable ways to admonish those who offend.—1849, p. 265, O. S.

II. The years of discretion, in young Christians, cannot be precisely fixed. This must be left to the prudence of the eldership. The officers of the church are the judges of the qualifications of those to be admitted to sealing ordinances; and of the time when it is proper to admit young Christians to them.

Sec. iii., 8, below.

III. Those who are to be admitted to sealing ordinances shall be examined as to their knowledge and piety.

1. Universalists not to be Admitted to Sealing Ordinances.

a. A question from the Synod of the Carolinas was introduced as follows, viz.:

Are they who publicly profess a belief in the doctrine of the universal and actual salvation of the whole human race, or of the fallen angels, or both, through the mediation of Christ, to be admitted to the sealing ordinances of the gospel?

The Assembly determined that such persons should not be admitted. —1792, p. 60.

b. The consideration of Dr. McCorkle's letter was resumed. On the proposition in the letter, requesting a reconsideration of the sentence of the General Assembly, respecting the doctrine of universal salvation, passed at Carlisle in 1792, the Assembly unanimously agreed to adhere to the aforesaid decision.—1794, p. 86.

2. Persons refusing to Present their Children in Baptism not to be refused Communion, but the Expediency of Receiving them to be Judged of by the Session.

The Committee appointed on Overture No. 7, from the session of Union Grove church, Illinois, made the following report, which was adopted, viz.:

That two questions are submitted in this overture to the judgment of the Assembly, viz.:

1. Is it the duty of church sessions to admit to membership persons who refuse to present their children to God in the ordinance of baptism?

2. What is the duty of the session in case of parents, members of the church, who refuse from conscientious scruples to present their children for baptism?

For a reply to these questions, the session are referred to the Digest, part iv., chap. ii., sec. 7, p. 98, where the decision of the Assembly on the principle involved in both is recorded as follows:

A letter also came, through the Committee of Overtures, from Bethuel Church, Esq., inquiring whether he may be admitted to occasional communion, whilst he has scruples concerning infant baptism.

The letter from Bethuel Church, Esq., as overtured, was read, and the motion formerly made thus amended, That the session of the church of Cambridge be permitted to receive Mr. Church upon satisfactory evidence of his good character, his scruples notwithstanding, was taken up and agreed to.

But while it is clear, that persons otherwise of good Christian character, are not to be excluded from the communion of the church, because they have scruples concerning infant baptism, there is in every case, where such persons apply for admission, a question as to the expediency of receiving them, upon which the session of the church must decide.—1834, p. 449.

3. Duelists to be Received only on Evidence of Repentance.

Resolved, Also, that it be, and it is hereby recommended to all the ministers under the care of the Assembly, that they scrupulously refuse to attend the funeral of any person who shall have fallen in a duel; and that they admit no person who shall have fought a duel, given or accepted a challenge, or been accessory thereto, unto the distinguishing privileges of the Church until he manifest a just sense of his guilt, and give satisfactory evidence of repentance.—1805, p. 339.

4. Postmasters Officiating on the Sabbath.

a. An appeal by Mr. Wiley, postmaster in Washington, Pennsylvania, from a decision of the Synod of Pittsburg, by which it is determined that Mr. Wiley's officiating as postmaster on the Sabbath day, in existing circumstances, is a sufficient reason to exclude him from the special privileges of the Church, was overtured and read.

Resolved, That the above decision of the Synod of Pittsburg be affirmed.—1810, p. 456.

b. A petition signed by a number of persons in Washington, Pennsylvania, and vicinity, praying the revision, with a view to its being rescinded, of the decision of the General Assembly of 1810, respecting the case of Mr. Wiley, postmaster, was overtured.

Resolved, That the prayer of the petitioners be not granted.—1812, p. 508.

5. Proprietor of Mail Stages Running on the Sabbath.

An overture relative to receiving a person as a member of the Church who is a proprietor in a line of stages which carries the mail, and runs on Sabbath.

Resolved, That it is the decided opinion of this Assembly that all attention to worldly concerns on the Lord's day, further than the works of necessity and mercy demand, is inconsistent both with the letter and spirit of the fourth commandment; and consequently all engagements in regard to secular occupations on the Lord's day, with a view to secure worldly advantages, are to be considered inconsistent with Christian character, and that those who are concerned in such engagements, ought not to be admitted into the communion of the Church while they continue in the same.—1819, p. 713.

6. Persons Engaged in the Sale of Intoxicating Drinks.

Resolved, That the records of the Synod of Pittsburg be approved, except so far as they seem to establish a general rule in regard to the use and sale of ardent spirits as a beverage, which use and sale are generally

to be decidedly disapproved, but each case must be decided in view of all the attendant circumstances that go to modify and give character to the same.—1843, p. 189, O. S.

[See also 1842, p. 16, O. S.]

7. Subjection to the Discipline of the Church Requisite.

Is a church session authorized by the principles laid down in the Confession of Faith, to admit individuals to the Lord's table, who do not subscribe to the doctrines and submit to the discipline of the Church?

There can be no doubt that all persons admitted to the communion of the Presbyterian Church do in fact and form submit to its discipline (except in cases of occasional communion by members of other churches); but every session must judge for themselves of that degree of knowledge of Christian doctrine and adherence thereto on the part of those examined by them, which may render their reception suitable, and for their own edification and the peace of the Church.—1853, p. 434, O. S.

8. To be Admitted only by a Session Regularly Constituted.

The Committee to whom was referred the subject involved in so much of the records of the Synod of Cincinnati as relates to the admission of persons to church privileges at the great meetings common in that region, made the following report, which was adopted, viz.:

That they have given this subject a careful consideration, and recommend the adoption of the following resolutions, viz.:

Resolved, 1. That the order of the churches requires that all persons making a public profession of religion be introduced to the communion of the church only by an individual session regularly constituted.

Resolved, 2. That it is the right and duty of sessions to take the exclusive oversight of their respective congregations, and that the practice of one session admitting to a Christian profession persons belonging or intending to belong to a congregation under the care of another session, is irregular, and ought not to be countenanced.

Resolved, 3. That the purity and prosperity of the Church, as well as the best interests of those immediately concerned, demand great circumspection in the admission of persons to church privileges; and that ordinarily it is deemed improper to receive persons immediately upon their indulging a hope of reconciliation with God, especially in the case of the young, and of persons of previously immoral lives or lax principles, and of those concerning whom little is known.—1832, p. 373.

9. The Session the Judge of the Qualification of Candidates for Membership.

Has a session or church constitutional power, in examining a candidate for membership, to require abstinence from any error, practice, or custom, which the members adjudge to be sinful, and decidedly injurious to personal piety, and to the interests of the Church of Christ? And, if they have this power, then is it expedient to admit persons to membership who practice and defend promiscuous dancing, card-playing, and the use, manufacture and sale of intoxicating drinks as a beverage?

The Committee recommended the following answer:

It is the province of the session to judge of the qualifications of candidates for membership in the church. For their guidance in the matters

noticed in the overture, reference is made to past acts of the Assembly, found in the Digest, chap. vii., on "Moral Questions," secs. iii., iv. and v.*

The report was adopted.—1864, p. 510, N. S.

10. Question as to the Baptism of a Member of the Friends' Society.

Overture No. 7, from the Presbytery of St. Clairsville. Would it be consistent for a minister of the Presbyterian Church to administer the ordinance of baptism to a member of the Friends' Society, who professes to believe that "Jesus is the Son of God" and the essential doctrines of the Christian religion, but declares his intention to continue his connection with the Friends' Society?

The Committee on Bills and Overtures reported a recommendation that the inquirers be referred to the answers in the Larger and Shorter Catechisms, to the question, "To whom is baptism to be administered?"

The report was adopted.—1864, p. 314, O. S.

11. Intercommunion with those who Maintain an Irregular Ministry Discouraged.

The Committee on Overture No. 3, viz.: a question from the Presbytery of Bethel, respecting holding communion with the followers of Wm. C Davis, a deposed minister, and calling themselves Independent Presbyterians, reported, that in their judgment the questions proposed in said overture ought to be answered in the negative. They therefore would recommend the adoption of the following resolution, viz.:

Resolved, That while this Assembly readily acknowledges the right of the session to determine according to the Scriptures and the Constitution of our Church, the qualifications for admission to sealing ordinances, yet they feel it to be their duty to declare, that in their judgment, the services of those who have received only lay-ordination, and of those who have been deposed from the gospel ministry, are unscriptural and unwarrantable; and therefore an attendance on their ministrations cannot be in the order of the gospel, and ought to be discouraged and discountenanced by every friend of the Redeemer's kingdom.—1833, p. 407.

IV. When unbaptized persons apply for admission into the church, they shall, in ordinary cases, after giving satisfaction with respect to their knowledge and piety, make a public profession of their faith, in the presence of the congregation; and thereupon be baptized.

1. On Baptism upon a General Profession of Faith in Christ.

The Committee on the Polity of the Church reported an answer to the following inquiry:

"Is it forbidden by our standards to baptize adult converts upon a general confession of faith in Christ, previous to their being received into a particular church, and assenting to its articles of faith?" as follows, viz.:

A profession of faith in Christ and obedience to him is all that is required in our standards of those who are out of the visible Church, in order to their being baptized. (See Confession of Faith, chap. xxviii., sec. iv.; Larger Catechism, quest. 166; Shorter Catechism, quest. 95.)

* The reference above is to Moore's New Digest, sections on intemperance, the theatre, dancing and gambling, pp. 257–265. See in this Digest under Discipline, chap. i., sec. iii.

Hence, cases may occur in which, as in the case of Philip and the Ethiopian eunuch, it may be proper to baptize a person who does not expect immediately to connect himself with any particular church. But inasmuch as it was the obvious intent of the Saviour that all his disciples should be associated in local churches, and inasmuch as we cannot obey one of his commandments, that requiring us to remember him at his table, without such connection: therefore, your Committee believe that in no ordinary circumstances can a person give good evidence of a readiness to obey Christ in all things, who, having the opportunity, does not connect himself with some particular branch of the visible body of Christ. In the practice of our Church, and according to her standards, baptism is manifestly regarded as a part of the general profession of faith in, and obedience to, Christ, which constitute his initiation into the visible Church, and into some particular branch of it; and in no ordinary case ought the several parts of this solemn profession to be separated.—1860, p. 244, N. S.

[See Form of Government, chap. ix., sec. vi., 5.]

2. To Admit to Sealing Ordinances belongs Exclusively to the Session.—Forms of Admission.

Overture No. 38, from the Presbytery of Brooklyn, on the methods of receiving members to the communion of our churches and urging the importance of uniformity in these methods, as well as calling attention to "serious and hurtful evils" growing out of a disregard of the teachings of our standards on this subject.

The following answer is recommended by the Committee:

1. That the admission of persons to sealing ordinances is confided, by the Form of Government, really and exclusively to the church session.

2. That any forms, for publicly recognizing those who have been thus admitted to sealing ordinances, should keep in view the principle thus declared, and should give effect to the distinction, so clearly laid down by our standards, between admitting the children of the Church to the Lord's table, and the unbaptized to membership in the Church.

3. That it be referred to a Committee of five, to report to the next General Assembly, whether it is desirable to propose uniform methods of publicly recognizing these classes of persons respectively, and, if they deem it desirable, to prepare such forms as may seem to them most appropriate. Adopted.—1872, p. 89.

The Committee reported, and the further consideration of the report was referred to the next Assembly.—1873, p. 549.

CHAPTER X.

OF THE MODE OF INFLICTING CHURCH CENSURES.

I. The power which Christ hath given the rulers of his Church is for edification, and not for destruction. As, in the preaching of the word, the wicked are, doctrinally, separated from the good; so, by discipline, the Church authoritatively makes a distinction between the holy and the profane. In this, she acts the part of a tender mother, correcting her children only for their good, that every one of them may be presented faultless, in the day of the Lord Jesus.

II. When any member of the Church shall have been guilty of a fault, deserving censure, the judicatory shall proceed with all tenderness, and restore their offending brother in the spirit of meekness; considering themselves, lest they also be tempted. Censure ought to be inflicted with great solemnity; that it may be the means of impressing the mind of the delinquent with a proper sense of his danger, while he stands excluded from the privileges of the Church of the living God, and that, with the divine blessing, it may lead him to repentance.

III. When the judicatory has resolved to pass sentence, suspending a member from church privileges, the moderator shall address him to the following purpose:

"Whereas you are guilty [by your own confession, or convicted by sufficient proof, as the case may be] of the sin of [here mention the particular offence], we declare you suspended from the sacraments of the Church, till you give satisfactory evidence of the sincerity of your repentance." To this shall be added such advice, admonition, or rebuke, as may be judged necessary; and the whole shall be concluded by prayer to almighty God, that he would follow this act of discipline with his blessing. We judge it prudent, in general, that such censures be inflicted in the presence of the judicatory only; but, if any church think it expedient to rebuke the offender publicly, this solemn suspension from the sacraments may be in the presence of the congregation.

IV. After any person hath been thus suspended from the sacraments, it is proper that the minister, and elders, and other Christians, should frequently converse with him, as well as pray for him in private, that it would please God to give him repentance. And it may be requisite likewise, particularly on days preparatory to the dispensing of the Lord's Supper, that the prayers of the church be offered up for those unhappy persons who, by their wickedness, have shut themselves out from this holy communion.

V. When the judicatory shall be satisfied as to the reality of the repentance of any offender, he shall be admitted to profess his repentance, and be restored to the privileges of the Church. Which restoration shall be declared to the penitent, in the presence of the session, or of the congregation; and followed with prayer and thanksgiving.

VI. When any offender has been adjudged to be cut off from the communion of the Church, it is proper that the sentence be publicly pronounced against him.

VII. The design of excommunication is, to operate upon the offender as a means of reclaiming him; to deliver the Church from

the scandal of his offence: and to inspire all with fear, by the example of his punishment.

The minister shall give the church, or congregation, a short narrative of the several steps, which have been taken, with respect to their offending brother, and inform them, that it has been found necessary to cut him off from the communion; and shall, in the presence of the church, or congregation, pronounce this sentence in the following or like form, viz.:

He shall begin, by showing the authority of the Church to cast out unworthy members, from Matt. xviii. 15, 16, 17, 18; 1 Cor. v. 1, 2, 3, 4, 5; and shall briefly explain the nature, use, and consequences of this censure; warning the people to avoid all unnecessary intercourse with him who is cast out.

Then he shall say,

"Whereas A. B. hath been, by sufficient proof, convicted of [here insert the sin], and after much admonition and prayer, obstinately refuseth to hear the Church, and hath manifested no evidence of repentance; therefore, in the name, and by the authority, of the Lord Jesus Christ, I pronounce him to be excluded from the communion of the Church."

After which, prayer shall be made, that the blessing of God may follow his ordinance, for the conviction and reformation of the excommunicated person, and for the establishment of all true believers.

VIII. When one who hath been excommunicated shall be so affected with his state, as to be brought to repentance, and to desire to be re-admitted to the privileges of the Church; the session, having obtained sufficient evidence of his sincere repentance, shall, with the advice and concurrence of the Presbytery, restore him. In order to which, the minister shall, on two Lord's days previous thereto, inform the congregation of the measures which have been taken with the excommunicated person, and of the resolution of the session to receive him again to the communion of the Church.

On the day appointed for his restoration, when the other parts of divine service are ended, before pronouncing the blessing, the minister shall call upon the excommunicated person, and propose to him, in the presence of the congregation, the following questions:

"Do you, from a deep sense of your great wickedness, freely confess your sin, in thus rebelling against God, and in refusing to hear his Church; and do you acknowledge that you have been in justice and mercy cut off from the communion of the saints?" Answer, "I do." "Do you now voluntarily profess your sincere repentance and deep contrition, for your sin and obstinacy: and do you humbly ask

the forgiveness of God, and of his Church?" Answer, "I do." "Do you sincerely promise, through divine grace, to live in all humbleness of mind and circumspection; and to endeavor to adorn the doctrine of God our Saviour, by having your conversation as becometh the gospel?" Answer, "I do."

Here the minister shall give the penitent a suitable exhortation, addressing him in the bowels of brotherly love, encouraging and comforting him. Then he shall pronounce the sentence of restoration in the following words:

"Whereas you, A. B., have been shut out from the communion of the faithful, but have now manifested such repentance as satisfies the Church: In the name of the Lord Jesus Christ, and by his authority, I declare you absolved from the sentence of excommunication formerly denounced against you; and I do receive you into the communion of the Church, that you may be a partaker of all the benefits of the Lord Jesus, to your eternal salvation."

The whole shall be concluded with prayer, and the people dismissed with the usual blessing.

CHAPTER XI.

OF THE SOLEMNIZATION OF MARRIAGE.

I. MARRIAGE is not a sacrament; nor peculiar to the Church of Christ. It is proper that every commonwealth, for the good of society, make laws to regulate marriage; which all citizens are bound to obey.

II. Christians ought to marry in the Lord; therefore it is fit that their marriage be solemnized by a lawful minister; that special instruction may be given them, and suitable prayers made, when they enter into this relation.

1. Marriage Solemnized by Licentiates.

That while our Form of Government does not recognize licentiates as ministers of the gospel, yet this Assembly do not consider them as violating any rules of the Church by solemnizing marriage in those States where the civil laws expressly authorize them to do it.—1844, p. 377, O. S.

2. Marrying in the Lord Defined.

It is lawful for all sorts of people to marry who are able with judgment to give their consent, yet it is the duty of Christians to marry only in the Lord. And, therefore, such as profess the true reformed religion should not marry with infidels, papists or other idolaters: neither should such as are godly be unequally yoked, by marrying with such as are notoriously

wicked in their life, or maintain damnable heresies.—*Confession of Faith*, chap. xxiv., iii.

3. Marriage of Heathen Converts.—The Presbyteries to Judge.

A memorial from the Presbytery of Ningpo, in China, asking for advice from this General Assembly on the subject of the marriage of professing Christians with the heathen.

The Committee recommended that it be answered as follows:

In performing the work of missions among the heathen, many difficulties will arise which will require great wisdom and forbearance, and which can only be overcome by a wise application of scriptural rules. Of this kind are the cases respecting marriage, which will frequently occur so long as the great majority of the people are heathen. And this application of these rules must be made with a sound discretion, and be very much modified by particular circumstances. That the apostolical direction, "be not unequally yoked together with unbelievers," is the advice of the Lord by the apostle, and is to be observed carefully in all cases, as far as practicable, is true. But like other divine injunctions, it must be applied in all cases with due consideration of circumstances. It is not, therefore, in the circumstances stated in the overture, to be regarded as sinful universally and necessarily for a Christian to marry a heathen; nor is a Christian to be subjected to discipline on this account, unless the circumstances show criminality and require the infliction of censure, of which circumstances the missionaries are the best judges. [The overture was] referred back to the Presbytery of Ningpo.—1850, pp. 458, 482, O. S.

III. Marriage is to be between one man and one woman only: and they are not to be within the degrees of consanguinity or affinity prohibited by the word of God.

Marriage is to be between one man and one woman; neither is it lawful for any man to have more than one wife, nor for any woman to have more than one husband at the same time.—*Confession of Faith*, chap. xxiv., i.

1. Questions of Marriage of Divorced Persons.

Adultery or fornication, committed after a contract, being detected before marriage, giveth just occasion to the innocent party to dissolve that contract. In the case of adultery after marriage, it is lawful for the innocent party to sue out a divorce, and after the divorce to marry another, as if the offending party were dead.—*Confession of Faith*, chap. xxiv., v.

2. A Minister, having Married again, Required to Cease Officiating until Proof is Furnished of the Death of his Wife.

The business concerning Mr. Van Vleck and his people again taken into consideration.

It was concluded that after the Presbytery had examined the several evidences brought in relation to the crime of bigamy, alleged against Mr. Van Vleck, as also the exceptions offered by the said Van Vleck against the evidences and in vindication of himself, the Presbytery not finding the evidences clear and positive enough to prove the crime against him, and yet Mr. Van Vleck's vindication not sufficient to take off the scandal wholly, do therefore, till such time as Mr. Van Vleck bring satisfying proof of his first wife's death, for the honor of the gospel, advise that he

do not officiate as a minister of the gospel. To which advice he does willingly agree.

Ordered, upon the whole, that a letter be writ to Mr. Van Vleck's people by the moderator and Mr. Hampton.—1712, p. 26.

3. Nothing but Adultery or Willful Desertion which cannot be Remedied Just Cause of Divorce.

Although the corruption of man be such as is apt to study arguments, unduly to put asunder those whom God hath joined together in marriage, yet nothing but adultery, or such willful desertion as can no way be remedied by the Church or civil magistrate, is cause sufficient of dissolving the bond of marriage: wherein a public and orderly course of proceeding is to be observed, and the persons concerned in it not left to their own wills and discretions in the case.—*Confession of Faith*, chap. xxiv., vi.

4. In Divorce for Adultery the Innocent Party may Marry Again.

The following question, referred to Synod by the Presbytery of Donegal for their decision, was brought in by the Committee of Overtures, viz.:

Whether, on full proof of adultery by one party, the Presbytery has a right to declare the marriage so far void as that the innocent party may marry again without being liable to church censure?

And after some time spent in debating the case, it was moved and agreed that each member should speak to the question in the order of the roll. After which the vote was put, and the question carried in the affirmative, by a small majority.—1785, p. 509.

5. A Bigamist to be Excluded from the Privileges of the Church.—Willful Desertion a just Cause for Divorce.—If just Cause exist and Divorce be Refused, the Church may Receive him.

A married man left Ireland a number of years ago, leaving his family behind him, with hopes of providing better for them in this country. He afterward returned to Ireland three sundry times, with an intention of bringing in his family. But by no arguments could his wife be persuaded to come with him; and the last time peremptorily refused all farther cohabitation. He afterward returned, and remained in single life ten years in this country. He is since married, and has children in second marriage: his wife and he are desiring communion.

This man ought not to be admitted to the privileges of the Church; because, although willful and obstinate desertion is a legal cause of divorce, yet it does not appear that this man has actually been divorced from his wife; and it is improper and dangerous to receive to Church communion such persons as, in the eye of the civil law, are living in vice. And although a good man may sometimes be oppressed by power, and prevented from obtaining a divorce where sufficient causes exist, yet it does not appear from your representation that he has used the proper means to obtain a legal divorce, nor even to authenticate the facts upon which he founds his application for the privileges of the Church by sufficient evidence from Ireland—the place in which they happened, and where alone they can be substantiated; and it is contrary to all just rules of proceeding to take any evidence or representation *ex parte*. But, the decision of the Assembly notwithstanding, if it shall appear that this man has separated from his wife by her willful and obstinate desertion, and that he has taken all just means to obtain a divorce, to which he was lawfully entitled, but was pre-

vented and oppressed by the power of antagonists or of unjust courts; and if he shall moreover produce such evidence of these facts from the place in which they happened, as would entitle him to a divorce by the laws of this land and of this Church, then, in that case, it is the opinion of the General Assembly that such man, behaving himself otherwise as a good Christian, may be admitted to Church privileges. But in such case, it is necessary that the most authentic evidence be required and great caution used, both that the proceedings of the Church may not be inconsistent with the civil law, and that a door be not opened to laxness on this important subject of morals.—1790, p. 28.

6. Marriage with a Woman Divorced for Cause other than Adultery.

[The Assembly, by a vote of 106 to 52, sustained the complaint of the Presbytery of Des Moines, in the case of Rev. James H. Shields. The minute adopted states the case—]

a. In the year 1853, Maria C. Cowles presented a petition under oath to the District Court of Wayne county, Iowa, praying for a divorce from her husband, William A. Cowles, in which it was stated substantially, that she had been lawfully married to said Cowles in January, 1839, in the State of Massachusetts; that they had lived together there until August, 1851, when she separated herself from him, and proceeded to Iowa, where she has since resided. That, previous to her departing from him in 1851, her husband was in the habit of becoming intoxicated, and when so intoxicated, was ill-natured and abusive—so much so, that her situation as his wife became intolerable; and she had been under the necessity of leaving his house and of making her own living since that time, the defendant having neglected to make provision for her support since the period of her separation from him. No pertinent proof of the truth of these allegations was made; but the court, notwithstanding, granted her a divorce *a vinculo matrimonii;* when James H. Shields, then a member of the Presbytery of Des Moines, being cognizant of all the facts in the case, was married to the said Maria C. Cowles, and has continued to cohabit with her as his wife. In April, 1856, the Presbytery instituted proceedings against him for adultery, and finally convicted him of that offence, and deposed him from the ministry and excommunicated him from the church. Thereupon the said Shields appealed to the Synod of Iowa, who reversed the decision of Presbytery. The case is before this General Assembly on a complaint of the Rev. Thompson Bird, on behalf of the Presbytery, against the action of Synod.

In view of all the testimony brought before the Assembly, the complaint is sustained.

It has not been made to appear that the said Maria C. Cowles attempted to establish the fact of *adultery* against her husband, William A. Cowles. Neither has there been proved "*such willful desertion*" on his part, *as can no way be remedied by the Church or civil magistrate,*" as is recognized in the Confession of Faith (chap. xxiv., sec. vi.), as "*cause sufficient of dissolving the bond of marriage.*"

The General Assembly do, therefore, consider that the said James H. Shields was properly convicted of adultery; and the decision of the Synod of Iowa in this case is hereby reversed, and the judgment of the Presbytery of Des Moines therein confirmed.

The Assembly, whilst rendering this decision, takes occasion to call the attention of the churches under its care to a tendency, manifest in some

portions of our country, to relax the sacredness of the marriage tie. Lying, as the institution of marriage does, at the very foundation of order, purity and prosperity in the State and in the Church, the Assembly cannot view without abhorrence any attempt to diminish its sanctity or to extend beyond the warrant of the Holy Scriptures the grounds of divorce. —1858, pp. 599, 600, N. S.

c. The Assembly resumed the consideration of the appeal of the Rev. George Sheldon.

The original parties having been fully heard, the roll was called, and opportunity was given to the members of the Assembly to express their opinions on the case. After which the final vote was taken, and the appeal was not sustained, nineteen voting in the affirmative, and fifty-four in the negative.—1858, p. 607, N. S.

[Mr. Sheldon was deposed by the Presbytery of Portage, on the ground of adultery, in having married a second wife during the life of his first wife, from whom he had obtained a divorce in the civil courts, in the judgment of the Presbytery on other than scriptural grounds. From the decision of the Presbytery he took an appeal to the Synod of the Western Reserve. The Synod decided as follows, viz.:

After a full and patient hearing of the whole case of appeal by George Sheldon from the Presbytery of Portage, the Synod are constrained to believe that the decision of the Presbytery was just; and that the Presbytery conducted the case with as much order and tenderness as the inherent difficulties of the case would admit.]

In view of the whole case—

Resolved, That the decision of the Presbytery of Portage be sustained. —*Ib.*

7. Degrees of Affinity and Consanguinity.

Marriage ought not to be within the degrees of consanguinity or affinity, forbidden in the word; nor can such incestuous marriages ever be made lawful by any law of man or consent of parties, so as those persons may live together as man and wife. The man may not marry any of his wife's kindred nearer in blood than he may of his own, nor the woman of her husband's kindred nearer in blood than of her own.—*Confession of Faith*, ch. xxiv., iv.

8. Marriage with a Brother's Widow Incestuous.

The affair of Andrew Van Dyke, that was referred from the Presbytery of New Castle to the Synod, came under consideration, and a considerable time being spent in discoursing upon it, it was determined *nemine contradicente*, that his marriage with his brother's wife or widow was incestuous and unlawful, and their living together as the consequence of that marriage, is incestuous and unlawful; and that so long as they live together, they be debarred from all sealing ordinances, and that Mr. Wotherspoon make intimation hereof to his congregation in what time and manner he shall think convenient.—1718, p. 50.

b. Left to the Discretion of the Session.

The appeal of Mr. William Adams from a decision of the Synod of Pittsburg was laid before the Assembly. The minutes of the Synod respecting the case being read, it appeared that the said William Adams had married his brother's widow; that his case having been brought before the Presbytery of Erie, the said Presbytery had pronounced his marriage unconstitutional, and that the Synod, upon an appeal, had confirmed

the judgment of the Presbytery. From this judgment of the Synod, Mr. Adams appealed to the General Assembly.

The Assembly, having taken the subject into consideration, were informed by some of their members, who are also members of the Synod of Pittsburg, that Mr. Adams' moral and religious character is perfectly fair and exemplary, except in what respects his marriage, which was contracted above fifteen years ago.—1805, p. 338.

The report of the Committee to whom the appeal was referred having been read and amended, was adopted, and is as follows, viz.:

Whereas, Frequent decisions on marriages of a similar nature have been given by the late Synod of New York and Philadelphia, and by the General Assembly; and whereas, it appeared on these occasions that while such marriages are offensive to some, to others they appear lawful, therefore this Assembly consider the subject doubtful and delicate, and do not think it expedient to express any opinion on the decision of the Synod of Pittsburg in the present case. But in conformity to a decision made by last Assembly on a marriage somewhat similar, this General Assembly refers the case of Mr. Adams to the session of the church of Rocky Spring, or that of any other in which he may be, and leave it to their discretion to act according to their own best light and the circumstances in which they find themselves placed.—1805, p. 340.

9. Marriage with a deceased Wife's Sister.

a. In the case of a man's marrying two sisters, one after the other's death, the Synod judge, That, as the Levitical law, enforced also by the civil laws of the land, is the only rule by which we are to judge of marriages, whoever marry within the degrees of consanguinity and affinity forbidden therein act unlawfully, and have no right to the distinguishing privileges of the Church; and as the marriages in question appear to be within the prohibited degrees, they are to be accounted unlawful, and the persons suspended from special communion while they continue in this relation.—1761, p. 312.

b. Anthony Dushane, who has married the sister of his former wife, and whose case has been before the Synod for two years past, preferred a petition that he might no longer be debarred the privileges of the church on account of said marriage.

After full and deliberate discussion, the question was put, "Shall Anthony Dushane and his wife be capable of Christian privileges, their marriage notwithstanding?" which was carried in the affirmative by a considerable majority.—1782, p. 495.

Remonstrances from sundry congregations were brought in by the Committee of Overtures, requesting a reversing of the decision of the last Synod, respecting the marriage of a man with his former wife's sister.

The Synod having again resumed the consideration of the judgment which they passed last year concerning Anthony Dushane, declare their dissatisfaction with all such marriages as are inconsistent with the Levitical law, and that persons marrying within the degrees of consanguinity prohibited in that law, ought to suffer the censures of the Church; and they further judge, that, although the marriage of a man to two sisters successively, viz., to the one after the death of the other, may not be a direct violation of the express words of that law, yet, as it is contrary to the practice of the Protestant Churches in general, and an evidence of great untenderness toward many serious and well-disposed Christians, and may, through the prejudices or generally received opinions of the members of our Church, be productive of very disagreeable consequences; the persons

contracting such marriages are highly censurable, and the practice ought to be disallowed in express terms by the Synod, and we do therefore condemn such marriages as imprudent and unseasonable. Yet as some things may be done very imprudently and unseasonably, which when done ought not to be annulled, we are of opinion that it is not necessary for the persons whom this judgment respects, to separate from one another, yet they should not be received into the communion of the Church, without a solemn admonition, at the discretion of the session of the congregation to which they belong; and the Synod publicly recommend it to all their members to abstain from celebrating such marriages, and to discountenance them by all proper means in their power.—1783, p. 500.

10. Where a Brother's and Sister's Relicts married together.

The Synod judge that such a marriage, however inexpedient it may be, yet, as we cannot find it prohibited by the Levitical law, it is not to be condemned as incestuous.—1760, pp. 301 and 303.

11. Marriage to Deceased Wife's Sister Disapproved.

a. The Committee to which had been referred the appeal of Mr. William Vance from the judgment of the church session of Cross Creek, and the judgment of the Presbytery of Washington, Pa., by which judgment Mr. Vance had been excluded from church privileges on account of his being married to the sister of his deceased wife, reported, and their report was read, and the consideration and discussion of it was postponed, to take into consideration the following resolutions, which, after a full discussion, were adopted by the Assembly as their decision in the case, viz.:

Resolved, That, in the opinion of this General Assembly, the marriage of a man to the sister of his deceased wife, and all similar connections, are highly inexpedient, unfriendly to domestic purity, and exceedingly offensive to a large portion of our churches.

Resolved, That it be, and it hereby is earnestly enjoined upon the ministers, elders and churches of our communion, to take every proper occasion to impress the sentiments contained in the foregoing resolution, on the public mind, and by all suitable means to discourage connections so unfavorable in their influence on the peace and edification of the Church.

Resolved, That while the Assembly adopt the opinion, and would enforce the injunction above expressed, they are by no means prepared to decide that such marriages as that in question, are so plainly prohibited in Scripture, and so undoubtedly incestuous, as necessarily to infer the exclusion of those who contract them from church privileges; they, therefore, refer the case of Mr. Vance back again to the session of the church of Cross Creek, agreeably to former decisions of the General Assembly in similar cases, to be disposed of in such manner as the said session may think most conducive to the interests of religion.—1821, p. 22.

[Reaffirmed in 1822, p. 45.]

b. Assembly Sustains Suspension and Refuse to Alter Confession.

The Committee on Mr. McCrimmon's appeal from the decision of the Presbytery of Fayetteville, confirming his suspension from the communion of the Church for having married his deceased wife's sister, reported, that in their opinion, no relief can be given to the said McCrimmon without an alteration of the Confession of Faith, chap. xxiv., sec. iv., the last clause of which declares, that "the man may not marry any of his wife's kindred nearer in blood than he may of his own, nor the woman of

her husband's kindred nearer in blood than of her own;" but inasmuch as a diversity of opinion and practice obtains on this very important subject, your Committee beg leave to submit the following resolution, viz.:

Resolved, That the Presbyteries be and they are hereby directed to take this matter into serious consideration, and send up in writing to the next General Assembly an answer to the question, whether the above quoted clause of our Confession shall be erased.

The above report was adopted.—1826, p. 177.

In regard to the proposed erasure of the 4th section of the 24th chapter of the Confession of Faith, sixty-eight Presbyteries have reported; fifty of them against the erasure, and eighteen in favor of it. The section, therefore, is not to be erased.—1827, p. 218.

c. Case of Archibald McQueen.—Suspended, and Suspension Sustained.

[The Rev. Archibald McQueen appealed from a decision of the Presbytery of Fayetteville, by which he was suspended from the ministry for marrying the sister of his deceased wife.]

"Shall the appeal be sustained?" Ayes, 11; nays, 68. Sustain in part, 8; excused, 1.

Resolved, That the judgment of the Presbytery of Fayetteville, in the case of Archibald McQueen, be affirmed, and that the appeal be dismissed.—1842, p. 44, O. S.

[Upon a memorial against the Presbytery of Fayetteville for refusal to restore Mr. McQueen,]

Resolved, That the prayer of the memorialist be granted so far as that this General Assembly recommend to the Presbytery of Fayetteville to reconsider their decision in the case of the Rev. Archibald McQueen; and if in their judgment it should appear conducive to the peace of the Church and the promotion of religion in the region around them, to restore Mr. McQueen to the communion of the Church, and to the exercise of the functions of the gospel ministry, on the ground that in his case the ends of discipline are attained by the operation of the sentence under which Mr. McQueen has been lying for a period of three years.—1845, p. 32, O. S.

[The Presbytery, acting under the discretion thus conceded, restored Mr. McQueen. A complaint was taken.]

Resolved, That the complaint of the Rev. Colin McIver and others against the Synod of North Carolina, for having sustained the action of the Presbytery of Fayetteville in restoring the said Archibald McQueen, in accordance with the judicial decision of the Assembly of 1845, cannot be entertained by this house, and is hereby dismissed.

In making this disposition of the above-mentioned complaint, this General Assembly wishes it to be distinctly understood, that they do not mean either to retract or modify any judgment hitherto expressed by any Assembly respecting the offence for which Mr. McQueen was suspended from the exercise of the gospel ministry. They simply declare that his case cannot be regularly brought before them by this complaint.—1847, p. 395, O. S.

On motion, the order of the day was suspended to take up the following resolution, viz.:

Resolved, That the General Assembly overture to the Presbyteries the following question, viz.: Shall that part of the fourth section of the twenty-fourth chapter of the Confession of Faith, from i. to ii., which says, "Nor can such incestuous marriages ever be made lawful by any law of man, or consent of parties, so as those persons may live together as man and wife," be stricken out?

The previous question being insisted on, the resolution was put to the vote, and lost.—1847, p. 397, O. S.

d. The appeal of John Cathey from a decision of the Synod of North Carolina, sustaining the action of the Presbytery of Concord, and the session of the Paw Creek church, by which he was suspended from the church for marrying his deceased wife's sister, was not sustained. Ayes, 26; nays, 55.—1848, p. 57, O. S.

12. With a Wife's Brother's Daughter.

After mature deliberation, the Synod declare their great dissatisfaction with all such marriages as are inconsistent with the Levitical law, which in cases matrimonial we understand is the law of our nation, and that persons intermarrying in these prohibited degrees, are not only punishable by the laws of the country, but ought to suffer the censures of the Church; and further judge, though the present case is not a direct violation of the express words of the Levitical law, yet as it is contrary to the custom of Protestant nations in general, and an evidence of great untenderness, and so opposite to such precepts of the gospel as require Christians to avoid things of ill report, and all appearance of evil, and what is offensive to the Church; that the person referred to in this instance, ought to be rebuked by the church session, and others warned against such offensive conduct; and in case these persons submit to such rebuke, and are in other respects regular professors, that they be not debarred of Christian privileges.—1772, p. 427.

13. With a Wife's Half-brother's Daughter.

A reference from the Synod of Virginia was received through the Committee of Overtures, respecting a certain Charles Mitchel, who had married his former wife's half-brother's daughter, requesting the opinion of the Assembly whether such persons may be admitted to church privileges. Whereupon,

Resolved, That though the Assembly would wish to discountenance imprudent marriages, or such as tend in any way to give uneasiness to serious persons, yet it is their opinion that the marriage referred to is not of such a nature as to render it necessary to exclude the parties from the privileges of the Church.—1797, p. 127.

14. With a Deceased Wife's Sister's Daughter.

a. Reference on the petition of John Latham, who has married his deceased wife's sister's daughter, praying a reconsideration of his case, which was tried and issued against him, nine years ago, in the Synod of the Carolinas.

After mature deliberation, it was

Resolved, That the case of John Latham, referred for the decision of the General Assembly by the Synod of the Carolinas, be remitted to the said Synod, and that they be directed to review the case, and, if they shall judge it to be consistent with the existing laws of the State and the peace of the Church, they may admit the parties alluded to to its privileges.—1799, p. 176.

b. The session of the church of Westminster, in Jefferson county, State of Tennessee, having requested the direction of this Assembly in a case of discipline, viz.: Whether a man and his wife were admissible to church privileges who had been related to each other as uncle and niece—that is

to say, the woman being sister's daughter to the man's former wife. Whereupon, the Assembly

Resolved, That such marriages as that in question have been determined both by the late Synod of New York and Philadelphia and by the General Assembly to be on the one hand not forbidden by the laws of God, and on the other hand to be contrary to the general practice of Protestant Churches, and the feelings and opinions of many serious Christians among ourselves, and on that account to be discountenanced; therefore,

Resolved, That when such marriages take place, the session of the church where they happen are carefully to consider the case, and if they think it expedient, to administer such discipline as they may judge to be deserved for that want of Christian tenderness and forbearance that are incumbent on all the professors of our holy religion, or for violating any municipal law, if this has been done, and then to admit or restore them to good standing in the Church. And if the session judge that the state of society is such where these marriages take place as that neither the duty of Christian tenderness and forbearance, nor the laws of the State have been violated, they may admit the persons concerned to Christian privileges without censure.—1802, p. 248.

c. It appeared that a Mr. James Gaston had been censured as being guilty of incest for having married a woman who was sister's daughter to his former wife, and had brought the cause by appeal to the Synod of Pittsburg. The Synod, conceiving that the cause involved a high question of discipline, chose to refer it to the General Assembly for their decision.

The Assembly having given repeated decisions on similar cases, cannot advise to annul such marriages, or to pronounce them to such a degree unlawful as that the parties, if otherwise worthy, should be debarred from the privileges of the Church. But as great diversity of opinion seems to exist on such questions in different parts of the Church, so that no absolute rule can be enjoined with regard to them that shall be universally binding and consistent with the peace of the Church, and as the cases in question are esteemed to be doubtful, the Assembly is constrained to leave it to the discretion of the inferior judicatories under their care, to act according to their own best lights and the circumstances in which they find themselves placed.—1804, p. 306.

d. A reference from Bethel Church, South Carolina, was overtured, requesting the decision of the Assembly in relation to a case in which a person had married the sister of his deceased wife. On motion,

Resolved, That this reference be answered by the decision of the Assembly of 1804. [Above, c.]—1810, p. 456.

15. With a Sister's Daughter.

The report of the Committee on Bills and Overtures in answer to the two questions, "May a man, in accordance with the teachings of the Scriptures, marry a daughter of his own sister?" and "When members of the Church have contracted such a marriage, may they still retain their standing in the Church?" was taken up for consideration.

A motion was made for indefinite postponement, which was lost.

The report of the Committee was postponed, and the following substitute, proposed by Rev. S. P. M. Hastings, was adopted:

Resolved, 1. That the first question be answered in the negative, such marriages being evidently contrary to the teachings of the Scripture, and incestuous. See Lev. xviii. 6, 12, 13.

Resolved, 2. That the second question in the overture be answered as

follows, viz.: In the judgment of this Assembly, such a connection as is contemplated by the overture demands the judicial action of the Church, and if not repented of, should incur Church censure.—1853, p. 339, N. S.

16. Loose Opinions on Marriage Condemned.

Overture No. 31, from the Presbytery of Schuyler, on the subject of divorce. The Committee recommend the adoption of the following resolution:

Whereas, Latitudinarian ideas on marriage and divorce are alarmingly prevalent at the present time, and, in some portions of the country, practically demoralizing,

Resolved, That this General Assembly enters its solemn protest against such loose opinions, and calls upon all its ministers to use their moral influence to create a more healthful sentiment in the community and a thoroughly scriptural practice in the Church.

Adopted.—1872, p. 73.

IV. The parties ought to be of such years of discretion as to be capable of making their own choice: and if they be under age, or live with their parents, the consent of the parents or others, under whose care they are, ought to be previously obtained, and well certified to the minister, before he proceeds to solemnize the marriage.

Clandestine Marriage Discouraged.

The Synod do recommend it to all their members to use the greatest caution that they do not countenance any clandestine marriages, and especially that they do not marry any that they have reason to suspect to go contrary to the minds of their parents and guardians in seeking it.—1735, p. 115.

V. Parents ought neither to compel their children to marry contrary to their inclinations, nor deny their consent without just and important reasons.

VI. Marriage is of a public nature. The welfare of civil society, the happiness of families, and the credit of religion, are deeply interested in it. Therefore the purpose of marriage ought to be sufficiently published a proper time previously to the solemnization of it. It is enjoined on all ministers to be careful that, in this matter, they neither transgress the laws of God, nor the laws of the community: and that they may not destroy the peace and comfort of families, they must be properly certified with respect to the parties applying to them, that no just objections lie against their marriage.

Publication of Purpose of Marriage.

What is a sufficient publication of the purpose of marriage according to the second sentence of the sixth section of the eleventh chapter of the Book of Discipline?

Resolved, That the following be given as an answer to this question, viz.: That the Presbyteries are the best judges in the case.—1820, p. 740.

VII. Marriage must always be performed before a competent number of witnesses; and at any time, except on a day of public humiliation. And we advise that it be not on the Lord's day. And the minister is to give a certificate of the marriage when required.

VIII. When the parties present themselves for marriage, the minister is to desire, if there is any person present who knows any lawful reason why these persons may not be joined together in the marriage relation, that they will now make it known, or ever after hold their peace.

No objections being made, he is then severally to address himself to the parties to be married, in the following or like words:

"You, the man, declare, in the presence of God, that you do not know any reason by pre-contract or otherwise, why you may not lawfully marry this woman."

Upon his declaring he does not, the minister shall address himself to the bride, in the same or similar terms:

"You, the woman, declare, in the presence of God, that you do not know any reason, by pre-contract or otherwise, why you may not lawfully marry this man."

Upon her declaring she does not, he is to begin with prayer for the presence and blessing of God.

The minister shall then proceed to give them some instruction from the Scriptures, respecting the institution and duties of this state, showing,

"That God hath instituted marriage for the comfort and happiness of mankind, in declaring a man shall forsake his father and mother, and cleave unto his wife; and that marriage is honorable in all; that he hath appointed various duties, which are incumbent upon those who enter into this relation; such as, a high esteem and mutual love for one another; bearing with each other's infirmities and weaknesses, to which human nature is subject in its present lapsed state; to encourage each other under the various ills of life; to comfort one another in sickness; in honesty and industry to provide for each other's temporal support; to pray for and encourage one another in the things which pertain to God, and to their immortal souls; and to live together as the heirs of the grace of life."

Then the minister shall cause the bridegroom and bride to join their hands, and shall pronounce the marriage-covenant, first to the man, in these words:

"You take this woman, whom you hold by the hand, to be your lawful and married wife; and you promise, and covenant, in the

presence of God and these witnesses, that you will be unto her a loving and faithful husband, until you shall be separated by death."

The bridegroom shall express his consent, by saying, "Yes, I do."

Then the minister shall address himself to the woman, in these words:

"You take this man, whom you hold by the hand, to be your lawful and married husband; and you promise and covenant, in the presence of God and these witnesses, that you will be unto him a loving, faithful, and obedient wife, until you shall be separated by death."

The bride shall express her consent, by saying, "Yes, I do."

Then the minister is to say,

"I pronounce you husband and wife, according to the ordinance of God; whom therefore God hath joined together, let no man put asunder."

After this the minister may exhort them, in a few words, to the mutual discharge of their duty.

Then let him conclude with prayer suitable to the occasion.

Let the minister keep a proper register for the names of all persons whom he marries, and of the time of their marriage, for the perusal of all whom it may concern.

CHAPTER XII.

OF THE VISITATION OF THE SICK.

I. When persons are sick, it is their duty, before their strength and understanding fail them, to send for their minister, and to make known to him, with prudence, their spiritual state; or to consult him on the concerns of their precious souls. And it is his duty to visit them, at their request, and to apply himself, with all tenderness and love, to administer spiritual good to their immortal souls.

II. He shall instruct the sick, out of the Scriptures, that diseases arise not out of the ground, nor do they come by chance; but that they are directed and sent by a wise and holy God, either for correction of sin, for the trial of grace, for improvement in religion, or for other important ends: and that they shall work together for good, to all those who make a wise improvement of God's visitation, neither despising his chastening hand, nor fainting under his rebukes.

III. If the minister finds the sick person to be grossly ignorant, he shall instruct him in the nature of repentance and faith, and the way of acceptance with God, through the mediation and atonement of Jesus Christ.

IV. He shall exhort the sick to examine himself, to search his heart, and try his former ways, by the word of God; and shall assist him, by mentioning some of the obvious marks and evidences of sincere piety.

V. If the sick shall signify any scruple, doubt, or temptation, under which he labors, the minister must endeavor to resolve his doubts, and administer instruction and direction, as the case may seem to require.

VI. If the sick appear to be a stupid, thoughtless, and hardened sinner, he shall endeavor to awaken his mind; to arouse his conscience; to convince him of the evil and danger of sin; of the curse of the law, and the wrath of God due to sinners; to bring him to an humble and penitential sense of his iniquities; and to state before him the fullness of the grace and mercy of God, in and through the glorious Redeemer; the absolute necessity of faith and repentance, in order to his being interested in the favor of God, or his obtaining everlasting happiness.

VII. If the sick person shall appear to have knowledge, to be of a tender conscience, and to have been endeavoring to serve God in uprightness, though not without many failings and sinful infirmities; or if his spirit be broken with a sense of sin, or through apprehen-

sions of the want of the divine favor; then it will be proper to administer consolation and encouragement to him, by setting before him the freeness and riches of the grace of God, the all-sufficiency of the righteousness of Christ, and the supporting promises of the gospel.

[For cases where it may be proper to administer the Lord's Supper in the sick chamber, see Directory, chap. viii., sec. i., 2.]

VIII. The minister must endeavor to guard the sick person against ill-grounded persuasions of the mercy of God, without a vital union to Christ; and against unreasonable fears of death, and desponding discouragements; against presumption upon his own goodness and merit, upon the one hand, and against despair of the mercy and grace of God in Jesus Christ, on the other.

IX. In one word, it is the minister's duty to administer to the sick person, instruction, conviction, support, consolation, or encouragement, as his case may seem to require.

At a proper time, when he is most composed, the minister shall pray with and for him.

X. Lastly, the minister may improve the present occasion, to exhort those about the sick, to consider their mortality: to turn to the Lord, and make their peace with him; in health to prepare for sickness, death, and judgment.

CHAPTER XIII.

OF THE BURIAL OF THE DEAD.

I. When any person departs this life, let the corpse be taken care of in a decent manner; and be kept a proper and sufficient time before interment.

II. When the season for the funeral comes, let the dead body be decently attended to the grave and interred. During such solemn occasions, let all who attend conduct themselves with becoming gravity; and apply themselves to serious meditation or discourse: and the minister, if present, may exhort them to consider the frailty of life and the importance of being prepared for death and eternity.

Carousing and Ostentatious Parades Discountenanced.

That as the too great use of spirituous liquors at funerals in some parts of the country, is risen to such an height as greatly to endanger the morals of many, and is the cause of much scandal, the Synod earnestly enjoin, that the several sessions and Committees shall take the most effectual methods to correct these mischiefs, and discountenance by their ex-

ample and influence all approaches to such practices, and all ostentatious and expensive parades, so inconsistent with such mortifying and distressing occasions.—1766, p. 359.

CHAPTER XIV.

OF FASTING, AND OF THE OBSERVATION OF THE DAYS OF THANKSGIVING.

I. There is no day under the gospel commanded to be kept holy, except the Lord's day, which is the Christian Sabbath.

II. Nevertheless, to observe days of fasting and thanksgiving, as the extraordinary dispensations of divine providence may direct, we judge both scriptural and rational.

We will further observe, that the duty of fasting, as united with prayer, appears to be too much disregarded, if not entirely neglected by many Christians of the present day. We agree with our fathers of the Reformation, that the appointment of annual or stated fasts is not authorized under the gospel dispensation; but occasional fasting, both public and private, such as is called for by peculiar circumstances, or by the dispensations of heaven, are still among the appointed means of grace, and form an important part of Christian duty. Our Saviour said, the children of the bride-chamber would fast when the bridegroom was taken from them; surely such a dispensation as we have lately witnessed should lead those children to fast.—1838, p. 48, O. S.

III. Fasts and thanksgivings may be observed by individual Christians; or families, in private; by particular congregations; by a number of congregations contiguous to each other; by congregations under the care of a Presbytery, or of a Synod; or by all the congregations of our Church.

IV. It must be left to the judgment and discretion of every Christian and family, to determine when it is proper to observe a private fast or thanksgiving; and to the church sessions to determine for particular congregations; and to the Presbyteries or Synods to determine for larger districts. When it is deemed expedient that a fast or thanksgiving should be general, the call for them must be judged of by the Synod or General Assembly. And if at any time the civil power should think it proper to appoint a fast or thanksgiving, it is the duty of the ministers and people of our communion, as we live under a Christian government, to pay all due respect to the same.

Churches should observe Days appointed by the Local Authorities.

In this connection, the Committee further recommend that this Assembly sanction and approve the practice of particular churches observing, with appropriate worship, days of thanksgiving, recommended in proclamation by the governors of commonwealths in which they are located.

The recommendations were adopted.—1849, p. 266, O. S.

Days of Fasting appointed by the Supreme Judicatory.

1. Upon the Occasion of the French War.

a. The Synod, under a sense of the present distressed and calamitous state of the country, do agree that they will recommend to all their congregations to unite in observing the last Thursday of October instant, as a day of public humiliation, fasting, and prayer.

The Synod propose further to recommend to their congregations to spend part of the last Thursday of every month in extraordinary prayer, while the present mournful state of our public affairs continues.

And they do further most earnestly recommend it to all their members, present and absent, to exert themselves in an extraordinary manner, in their several spheres of influence, for a general and thorough reformation of those crying abominations which seem most evidently to have kindled the anger of heaven against this land.

And that they would, in their public performances, frequently explain and warmly press on their hearers the necessity of such a reformation in this day.

The Synod taking into serious consideration the dangerous situation of the public at this juncture, by means of a potent, prevailing and cruel enemy; the divided state of these colonies; the abounding of profanity, luxury, infidelity, error and ignorance; the evident suspension of spiritual influences from the Church, which is followed with an evident insensibility under the judgments as well as ordinances of God; together with other awful aspects of divine Providence; cannot but view them as plain demonstrations of his displeasure. We have been warned and chastised, first more gently, then more terribly; but not returning to Him that smites us, his anger is not turned away, but his hand is stretched out still. Judgment yet proceeds, the prospect becomes darker and darker, and all things respecting us, are loudly alarming. When God judges he will overcome; none have ever hardened themselves against him and prospered. Nothing but impiety rouses his vengeance, and nothing but repentance toward him, and faith toward our Lord Jesus Christ, can turn it away. We have not so much as the least reason to expect deliverance and safety in a way of impenitent sinning; for we are assured, if we walk contrary to our God, he will walk contrary to us, and will punish us yet seven times more for our iniquity. And as we judge that extraordinary distresses are calls to extraordinary humiliation and acts of devotion, so we look on ourselves bound, not only as members of the community, but by the duty of our office, as those who are entrusted with the declaration of God's revealed will, to warn all who will attend unto us, and earnestly exhort them to prostrate themselves before his offended majesty, in the humblest manner; to deprecate his righteous displeasure; implore his mercy for themselves, their children, country and nation, their and our rightful and gracious sovereign King George the Second, his royal family, all officers civil and military, and the whole Church of God; and solemnly endeavor sincere and thorough reformation. For this purpose the Synod agree to recommend the last Thursday of this instant, to be observed as a day of public

fasting and prayer, in all the congregations under our care. We also recommend to all the members of our body, that they exert themselves in promoting a reformation from those evils which have evidently kindled the anger of heaven against this land; and that they would frequently urge the necessity of such a reformation in this day.

Signed in the name of the Synod,

RICHARD TREAT, *Synod Clerk.*

—1756, p. 276, Synod of New York.

b. [*In* 1758 *the reunited Synod*] recommend that a day of fasting and prayer be observed by all the congregations under our care, to deprecate the wrath of God, to pray for a blessing on his majesty's armaments by sea and land, in order to procure a lasting and honorable peace, and in particular for the success of all intended expeditions in America; for the prosperity of his Prussian majesty's arms, and advancement of the Protestant interest; for the overthrow of antichristian errors, superstition and tyranny; and the universal spread of pure and undefiled religion. And 'tis ordered that the members within the bounds of this province, observe it on the sixteenth of June next, being the day appointed by this government for that purpose; and that those brethren who live in the bounds of other governments, observe it on such a day in June or July next as the several Presbyteries think proper.

And as prayer has been made without ceasing, by the Church in times of imminent danger, and God has heard his people in a day of trouble, and delivered them, the Synod recommend that some time be spent in social prayer, by every congregation within their bounds, on the last Thursday of every month, during these times of trouble and rebuke.—1758, p. 290.

[Also in 1760, p. 305; and 1761, p. 310.]

2. On the War with Spain.

The Synod seriously considering that our nation is involved in an additional war with Spain, and the melancholy state of religion in our churches, do agree that the third Thursday of June be observed as a day of public fasting and prayer in all the congregations under the care of our Synod, where the government under which they live has not, or shall not before that time appoint another day for that purpose, that all may humble themselves before Almighty God, to deprecate his just displeasure, and pray for the blessing of heaven on his majesty's person, counsels and arms, and for the revival of true piety among us.—1762, p. 315.

3. On Account of the Troubles with England.

a. The Synod taking into their serious consideration the dark and threatening aspect of our public affairs, both civil and religious, as loudly calling for deep humiliation before God, and earnest application to the throne of grace, do agree to observe the third Thursday of June next, as a day of solemn fasting and prayer, to implore the divine compassion, that it may please God in his great mercy to avert those calamities which, on account of our manifold provocations, we have great reason to fear.—1774, p. 460.

b. The Synod considering the present alarming state of public affairs, do unanimously judge it their duty to call all the congregations under their care to solemn fasting, humiliation and prayer, and for this purpose appoint the last Thursday of June next to be carefully and religiously ob-

served. But as the Continental Congress are now sitting, who may probably appoint a fast for the same purpose, the Synod, from respect to that august body and for the greater harmony with all other denominations, and for the greater public order, if the Congress shall appoint a day not above four weeks distant from the said last Thursday of June, order that the congregations belonging to this Synod do keep the day appointed by the Congress, in obedience to this resolution; and if they appoint a day more distant, the Synod order both to be observed by all our communion. The Synod also earnestly recommend it to all the congregations under their care to spend the afternoon of the last Thursday in every month in public solemn prayer to God, during the continuance of our present troubles.—1775, p. 465.

[See also 1777, p. 478; 1778, p. 481; 1779, p. 483; 1780, p. 488.]

4. Before the Second War with England.

In 1808 the Assembly appointed the second Thursday of September as a day of fasting, humiliation and prayer, to beseech the Ruler of the universe that for Christ's sake he would be pleased to avert the calamities with which we are threatened. That he would restore harmony to the contending nations of the world; that he would pour out his Spirit upon our churches more generally and more abundantly; bless the efforts that are making to christianize the heathen, and to extend the blessings of the gospel to the destitute inhabitants of our land.—1808, p. 409.

5. During the War with England.

[See Minutes, 1812, p. 497; 1813, p. 524.] In this case it was—

Resolved, That if the President of the United States shall, previous to the day specified (first Thursday in August), recommend the observance of a day of humiliation, fasting and prayer, different from that which has been assigned, then, and in that case, it is recommended to the churches under our care, to observe the day which may be appointed by the civil government of our country; otherwise to observe the day appointed by the General Assembly.

[See also 1814, p. 572.]

6. On the Outbreak of the Civil War.

a. Gratefully acknowledging the distinguished bounty and care of almighty God toward this favored land, and also recognizing our obligations to submit to every ordinance of man for the Lord's sake, this General Assembly adopt the following resolutions:

Resolved, 1. That in view of the present agitated and unhappy condition of this country, the first day of July next be hereby set apart as a day of prayer throughout our bounds, and that on this day ministers and people are called on humbly to confess and bewail our national sins; to offer our thanks to the Father of light for his abundant and undeserved goodness toward us as a nation; to seek his guidance and blessing upon our rulers and their counsels, as well as on the Congress of the United States about to assemble; and to implore him, in the name of Jesus Christ, the great High Priest of the Christian profession, to turn away his anger from us, and speedily restore to us the blessings of an honorable peace.

Resolved, 2. That this General Assembly, in the spirit of that Christian patriotism which the Scriptures enjoin, and which has always characterized this Church, do hereby acknowledge and declare our obligations to promote and perpetuate, so far as in us lies, the integrity of these United

States, and to strengthen, uphold and encourage the Federal Government in the exercise of all its functions under our noble Constitution: and to this Constitution in all its provisions, requirements and principles we profess our unabated loyalty.

And to avoid all misconception, the Assembly declare that by the terms "Federal Government," as here used, is not meant any particular administration, or the peculiar opinions of any particular party, but that central administration, which being at any time appointed and inaugurated according to the forms prescribed in the Constitution of the United States, is the visible representative of our national existence.

This paper was adopted by the following vote: yeas 156, nays 66.—1861, p. 329, O. S.

b. In view of the turbulence and the menace of our times, the drear inauguration of civil war, and the prospect of its ravages of physical and moral desolation in our country,

Resolved, 1. That we acknowledge the agency and the just judgments of our God in all this, and would humble ourselves before him with the prayer—O Lord, in wrath remember mercy! spare thy people, and restore peace in all our borders!

Resolved, 2. That Friday, June 28th, be appointed, in these national and solemn relations, as a day of fasting, humiliation and prayer before God, to confess our sins, to supplicate his mercy and gracious return to us, almighty to save; and especially that he would prepare the members of both houses of Congress, so soon to convene, in this crisis of our affairs, for all their duties, with wisdom, piety and patriotic sincerity of devotion to the good of our one great nation; and that he would bless our President and his Cabinet, our army and our navy, and order all the operations of this new and dreadful war, for his own glory, the prosperity of his own Zion, and the ultimate good of our country for this and all coming ages.—1861, p. 464, N. S.

7. On Account of the Profanation of the Sabbath.

The Committee appointed to consider the measures proper to be adopted to promote the sanctification of the Sabbath, made a report, which being read and amended, was adopted, and is as follows, viz.:

Resolved, That the second Thursday of November next be and it hereby is recommended to be observed as a day of fasting, humiliation and prayer on account of the sin which rests upon the Church and on the whole land by the profanation of the Sabbath; and that it be given in charge to all Synods and Presbyteries in our connection, to take such order on this subject as may be most effectual in securing the observance of that day by the churches.—1830, p. 302.

8. For the Conversion of the World.

The Committee to whom was referred Overture No. 11, viz.: "On the appointment of a day of prayer for the conversion of the world," made the following report, which was unanimously adopted, viz.:

It being understood that Christians and churches, both in this country and in Europe, have at different times desired the public designation of a day to be observed by all Christians throughout the world as a day of fasting and prayer for the outpouring of the Holy Spirit on the whole family of man, and this Assembly being deeply impressed with the importance and high privilege of such an observance, and feeling urged and encouraged to more importunate supplications in view of the recent revivals of

religion in this land, as well as the signs of the present time in relation to the prospects of the Church in other nations, therefore,

Resolved, That it be recommended to the ministers and churches under the supervision of the General Assembly of the Presbyterian Church in the United States, and of the churches in correspondence with the same, to observe the first Monday in January, 1833, as a day of fasting and prayer for the divine blessing on the ministry of the gospel throughout the world, for the revival of religion in the whole of Christendom, and for the entire success of those benevolent enterprises which have for their object the world's conversion to God.

Resolved, That other denominations of Christians in the United States, and the Christian churches in all other countries, be, and they hereby are affectionately, and with Christian salutations, invited to concur in the observance of the day above specified.

Resolved, That these resolutions be published with the signature of the moderator and clerk of the General Assembly for the information of such Synods, Assemblies, Associations, Conferences, Conventions and other ecclesiastical bodies as may choose to recommend the above observance to the churches under their care. And may grace, mercy and peace be multiplied to all throughout the world who love our Lord Jesus Christ.—1832, p. 365.

[See also minutes of 1833, pp. 397–399. It became thenceforth a custom for the Assembly to designate the first Monday in January of each year as a day of fasting and prayer for the conversion of the world, and to recommend the last Thursday in February as a day of prayer for colleges, theological seminaries and other institutions of learning. See minutes, *passim*. Recently the "week of prayer" has taken the place of the first Monday, and the last Thursday in January been substituted for the last in February.—1871, p. 577.]

9. The Week of Prayer.—The First Entire Week in January.

On the appointment of a concert of prayer for the conversion of the world.

This overture is based upon a proposal from the missionary brethren of Northern India to observe the second Monday of January, 1860, and the succeeding week, as a season of special prayer all over the globe for the conversion of the world. This General Assembly cordially sympathize with the object contemplated, as it implies the desire that Christians everywhere may more directly regard the missionary and aggressive character of our faith, as it tends to call forth their affections toward each other, and toward a perishing world; and especially as it recognizes the great truth of our dependence upon divine power for the success of the gospel.

We, therefore, recommend to the churches under our care to observe the time thus specified in such manner as the various sessions or Presbyteries may direct. Adopted.—1859, p. 532, O. S.

[See also 1860, p. 21, O. S; 1861, p. 335, O. S.; 1862, p. 620, O. S.; and annually to 1867.]

In 1861, p. 469, the Assembly, N. S., appointed the first week in December "as a season of special prayer for the outpouring of the Spirit on our congregations, and in special religious services calculated to edify the saints, and lead sinners to Christ." In 1862, p. 16, the Assembly recommends "that another week of prayer be observed during the coming ecclesiastical year; but that the time be changed so as to correspond with that recommended first by the Lodiana mission—the first entire week in January."

[See also 1863, p. 277, N. S.; 1864, p. 462, N. S., and annually to 1869. The custom has come to have almost the force of law.]

The Assembly renewed the following recommendations of last year:

1. The observance of the first week of each new year, as a special season of united supplication throughout the Christian world, has already been attended and followed by results too grand to allow of a question as to its claims upon our churches.—1872, p. 94.

V. Public notice is to be given a convenient time before the day of fasting or thanksgiving comes, that persons may so order their temporal affairs, that they may properly attend to the duties thereof.

VI. There shall be public worship upon all such days: and let the prayers, psalms, portions of Scripture to be read, and sermons, be all in a special manner adapted to the occasion.

VII. On fast days, let the minister point out the authority and providences calling to the observation thereof; and let him spend a more than usual portion of time in solemn prayer, particular confession of sin, especially of the sins of the day and place, with their aggravations, which have brought down the judgments of heaven. And let the whole day be spent in deep humiliation and mourning before God.

VIII. On days of thanksgiving, he is to give the like information respecting the authority and providences which call to the observance of them; and to spend a more than usual part of the time in the giving of thanks, agreeably to the occasion, and in singing psalms or hymns of praise.

It is the duty of people on these days to rejoice with holy gladness of heart; but let trembling be so joined with our mirth, that no excess or unbecoming levity be indulged.

CHAPTER XV.

THE DIRECTORY FOR SECRET AND FAMILY WORSHIP.

I. Besides the public worship in congregations, it is the indispensable duty of each person, alone, in secret; and of every family, by itself, in private, to pray to, and worship God.

II. Secret worship is most plainly enjoined by our Lord. In this duty every one, apart by himself, is to spend some time in prayer, reading the Scriptures, holy meditation and serious self-examination. The many advantages arising from a conscientious discharge of these duties are best known to those who are found in the faithful discharge of them.

III. Family-worship, which ought to be performed by every family, ordinarily, morning and evening, consists in prayer, reading the Scriptures, and singing praises.

IV. The head of the family, who is to lead in this service, ought to be careful that all the members of his household duly attend; and that none withdraw themselves unnecessarily from any part of family-worship; and that all refrain from their common business, while the Scriptures are read, and gravely attend to the same, no less than when prayer or praise is offered up.

V. Let the heads of families be careful to instruct their children and servants in the principles of religion. Every proper opportunity ought to be embraced for such instruction. But we are of opinion, that the Sabbath-evenings, after public worship, should be sacredly preserved for this purpose. Therefore, we highly disapprove of paying unnecessary private visits on the Lord's day; admitting strangers into the families, except when necessity or charity requires it; or any other practices, whatever plausible pretences may be offered in their favor, if they interfere with the above important and necessary duty.

1. Duties of Ministers to urge Family Religion.

a. [As means] "to revive the declining power of godliness, the Synod do earnestly recommend it to all our ministers and members to take particular care about ministerial visiting of families, and press family and secret worship, according to the Westminster Directory; and that they also recommend it to every Presbytery, at proper seasons to inquire concerning the diligence of each of their members in such particulars." Unanimously adopted.—1733, p. 105.

b. The Synod do not only renew the order, but earnestly obtest every of our brethren of the ministry, conscientiously and diligently to pursue the good design thereof.—1734, p. 107.

c. Let heads of families be careful to instruct their children and those committed to their care in the great principles of our holy religion. Let their morning and evening sacrifices be daily offered up in their families to God.—1799, p. 178.

d. Parents, train your children in the "nurture and admonition of the Lord; your houses should be temples of the living God, in which should ascend to his mercy-seat the continual incense of your daily sacrifices. Pious parents can most effectually preach to the hearts of their children by their affectionate precepts, and their holy example. Your instructions will best prepare them to receive benefit from the public ordinances of religion. And oh! can you see these dearest portions of yourselves ready to perish, without earnestly reaching forth a hand to pluck them as brands from the burnings?"—1804, p. 316.

e. We have observed with pain, that in some Presbyteries the duties of family religion, and of catechetical instruction, are neglected. Truly it is shameful in men, who call themselves by the name of Christ, not to honor him before their families, by worshiping him statedly. Every head of a family is responsible for all its members to God and his country. How

can he expect to fulfill his duty, if he does not pray for and with them, and instruct them from the word of God? If he does not honor God, it cannot be expected his *family* will. And a Christian family living without family religion, is a contradiction. It argues, on the part of such professors, an awful declension and a criminal dereliction of duty.—1808, p. 402, and *Minutes, passim.*

2. The Evening of the Lord's Day Especially set apart for Family Training.—The Standards need no Change to fit them to the Present Times.

The Committee on the Polity of the Church have had under consideration the following overture from the Presbytery of Genesee:

Overture of the Presbytery of Genesee to the General Assembly meeting at Philadelphia, May 21, 1863.

We petition for a revision of the Directory for Worship, with a view to the following points:

1. To reclaim the Sabbath afternoon, or evening, expressly for family instruction, and to enforce the duty of parents.

2. To give a constitutional recognition to the Sabbath-school, as a cherished instrumentality of the Church for the nurture of her own youth, and the evangelization of others; and to provide that the time appropriated be ample, as esteeming this to be a cardinal means of grace.

3. To restrict its assemblies, in all ordinary cases, to one part of the day, so as to avoid trenching upon the time appropriated to the paramount duties of parents.

4. To secure to the pastor, unequivocally, as the divinely-appointed teacher of the lambs of the flock, the prerogative, and hold him to the responsibility, of presidency over the school, with provision for a vice-president or superintendent, to serve in the absence of the pastor.

5. To recognize the church session as invested with authority, and responsible for the details of the organization, the appointment and removal of teachers, and the whole government of the school.

6. To provide for such a system of distinctive instruction as will secure to our youth a thorough training, not only in the doctrines of grace, but in the principles of order which the Scriptures set forth, and keep continually before their minds the burden of baptismal obligations, and the value of covenant privileges, as sealed to the children of God's people.

The Committee recommend, that the Assembly reply to the above overture as follows:

The matters, in view of which the Presbytery of Genesee ask a revision of the Directory for Worship, are mainly such that, according to our Constitution, it is already competent to every church to regulate them for itself, agreeably to its own views of what will best promote its growth and spiritual welfare.

The Directory for Worship expresses the opinion of the Church, that the evenings of the Lord's day, after public worship, should be sacredly reserved for the religious instruction of children by their parents. (See chap. xv., sec. v.)

The Sunday-school, like all the religious institutions and agencies of each individual church, is, and ought to be, under the watch and care of the session; and should be regarded, not as superseding, but as co-operating with, the entire system of pastoral instruction, the responsibilities of which it should not in any manner diminish.

There is nothing in our Constitution which prescribes the number of public services to be held on the Lord's day, or which restrains any church

from appropriating to the Sunday-school such a portion of the day as may seem to them desirable.

The peculiar position of baptized children as members of the church, to be, as members, trained in all Christian virtues and duties, is so expressly set forth in our standards, that no revision of them could present it with greater clearness, or in a more authoritative form. (See Confession, chap. xxv., sec. ii.; Larger Catechism, ques. 166; Form of Government, chap. ii., secs. ii., iv.; Book of Discipline, chap. i., sec. vi.; Directory for Worship, chap. ix., secs. i.–iii.)

The Assembly, therefore, judge that no necessity demands the revision which is asked for, and simply recommend to the churches to conform their ideas and usages to our own standards.—1863, pp. 240, 241, N. S.

3. Catechetical Instruction Enjoined on Parents.

It was unanimously—

Resolved, That the Assembly hereby most earnestly remind parents and others of the duty of catechising children and youth, and enjoin this duty upon them, as one whose performance no instruction that children receive in the Sabbath-school or elsewhere, outside the family, can supersede or supply.—1870, p. 123.

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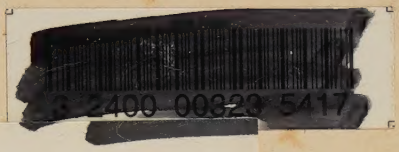

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